

NOMINATIONS.

Executive nominations received by the Senate August 26, 1912.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. William J. Nicholson, Seventh Cavalry, to be colonel from August 24, 1912.

(Under the provisions of an act of Congress approved Mar. 3, 1911, nominated for advancement in grade in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm since the date of his entry into the arm to which he permanently belongs.)

Lieut. Col. Robert D. Read, Third Cavalry, to be colonel from August 24, 1912, vice Col. Edgar Z. Steever, Fourth Cavalry, appointed brigadier general.

Maj. Tyree R. Rivers, Cavalry (detailed inspector general), to be lieutenant colonel from August 24, 1912, vice Lieut. Col. Robert D. Read, Third Cavalry, promoted.

Capt. Charles D. Rhodes, Fifteenth Cavalry, to be major from August 26, 1912, vice Maj. John M. Jenkins, Fifth Cavalry, detailed as inspector general on that date.

FIELD ARTILLERY ARM.

Second Lieut. Louis R. Dougherty, Fifth Field Artillery, to be first lieutenant from August 22, 1912, vice First Lieut. John C. Maul, Fifth Field Artillery, detached from his proper command.

PROMOTIONS IN THE NAVY.

The following-named citizens to be assistant paymasters in the Navy from the 22d day of August, 1912, to fill vacancies created by the act of Congress approved that date:

William E. Moorman, a citizen of Pennsylvania;
Ernest H. Barber, a citizen of Kentucky;
Josiah G. Venter, a citizen of New York;
Harry T. Sandlin, a citizen of Massachusetts;
Oscar W. Leidel, a citizen of Illinois;
Arthur H. Eddins, midshipman, United States Navy;
Stanley M. Mathes, a citizen of South Dakota; and
Delos P. Heath, a citizen of Pennsylvania.

POSTMASTERS.

MINNESOTA.

Frederick W. Betz to be postmaster at Fairmont, Minn., in place of Edgar B. Shanks. Incumbent's commission expired March 14, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 26, 1912.

PROMOTIONS IN THE NAVY.

The following-named citizens to be assistant paymasters:

William E. Moorman.
Ernest H. Barber.
Josiah G. Venter.
Harry T. Sandlin.
Oscar W. Leidel.
Arthur H. Eddins.
Stanley M. Mathes.
Delos P. Heath.

PROMOTIONS IN THE ARMY.

CAVALRY.

Lieut. Col. Robert D. Read, to be colonel.
Lieut. Col. William J. Nicholson, to be colonel.
Maj. Tyree R. Rivers, to be lieutenant colonel.
Capt. Charles D. Rhodes, to be major.
Second Lieut. Louis R. Dougherty, to be first lieutenant.

POSTMASTERS.

ALABAMA.

Shipwith Coale, Jackson.

ARIZONA.

Harry C. Adams, Hayden.

MINNESOTA.

Frederick W. Betz, Fairmont.

TEXAS.

Dallas Harbert, Commerce.
Benjamin M. Sheldon, Rockport.

HOUSE OF REPRESENTATIVES.

MONDAY, August 26, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Trusting in Thy loving kindness, O God, our Father, we draw near to Thee, not as we would, but, as we are able, we bring to Thee our devout offerings. Let Thy blessing, we beseech Thee, descend in full measure upon us now that these Thy servants may be guided by divine light in all the resolves and enactments of this day, that those whom they represent may be faithfully served to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of Saturday, August 24, 1912, was read and approved.

Mr. SAMUEL W. SMITH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAMUEL W. SMITH. If a motion should be made to adjourn sine die and it developed there was no quorum, could the House adjourn?

The SPEAKER. Well, the emergency has not arisen. We will cross that bridge when we reach it.

QUESTION OF PERSONAL PRIVILEGE.

Mr. FOCHT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. Before the gentleman proceeds with his question of personal privilege the Clerk will read the following telegram.

The Clerk read as follows:

MEADVILLE, PA., August 26, 1912.

Hon. CHAMP CLARK,

Speaker House of Representatives, Washington, D. C.

I respectfully ask leave of absence for the remainder of session on account of serious illness in family.

ARTHUR L. BATES.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

The SPEAKER. The gentleman from Pennsylvania rises to a question of personal privilege, which he will state.

Mr. JOHNSON of Kentucky. Mr. Speaker, this being District day, I desire to ask for the consideration of some District measures.

The SPEAKER. The Chair will recognize the gentleman later.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania may address the House for 15 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania may address the House for 15 minutes. Is there objection?

Mr. CLAYTON. Mr. Speaker, reserving the right to object, may I inquire upon what subject the gentleman proposes to discourse?

Mr. MANN. It is in reply to a speech inserted in the Record by the gentleman from Alabama [Mr. BURNETT], who is here.

Mr. CLAYTON. Well, inasmuch as my colleague is here and amply able to take care of himself, I shall not object.

The SPEAKER. The Chair hears no objection.

Mr. RAKER. Mr. Speaker, reserving the right to object, I would like to ask unanimous consent to extend some remarks in the Record by myself relating to—

The SPEAKER. Let us get through with this other matter. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. FOCHT. Mr. Speaker, in the CONGRESSIONAL RECORD of Saturday last the gentleman from Alabama—I understand we are not to mention the names of Members in parliamentary discussions.

The SPEAKER. Oh, no; there is no such rule as that.

Mr. FOCHT. The gentleman from Alabama [Mr. BURNETT] inserted under leave to print an attack upon me. I say it was unworthy, because it was made by slipping it into the Record a few hours before what was supposed to be time for adjournment of the session, which ordinarily would have left no opportunity to meet this assault on the floor of the House. The remarks are dated June 19, more than two months ago, and that length of time before I ever uttered a word on this floor in criticism of the failure of the majority to take action on the immigration bills, and which criticism I only offered because I see everywhere in Pennsylvania the evils of too much immigration, and because I have been overwhelmed with the

evidence of the feeling among the people through the medium of communications from the Patriotic Order Sons of America, the Junior Order of American Mechanics, and the attitude of the American Federation of Labor. The assertions of the gentleman are unworthy of any Member of this body, not only because they vilify, but because the author has been caught in the act of attempting to fire and run away.

At no time have I ever indulged in personal invective on this floor, much less smuggle vituperation into the Record at the moment of supposed adjournment, nor will I now or at any time stoop to mudslinging which is approached in the alleged speech of the gentleman from Alabama. Language was quoted and imputed to me and the provisions of my immigration bill which will not be found in the measure as introduced.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman yield?

Mr. FOCHT. No, sir.

The SPEAKER. The gentleman declines to yield.

Mr. FOCHT. This sort of posthumous speech, virtually smuggled into the Record, contains some rancor, but this I will not countenance in what I have to say; and instead of slipping a reply into the Record under unanimous consent, to be under cover until after adjournment, I have written a letter to the gentleman from Alabama, advising him of my intention to reply, so that he might be here to prove his assertions or observe the proprieties of this House and the duty of a gentleman and retract by expunging the injurious statements.

I submit the following letter, addressed to the gentleman, Mr. BURNETT, of Alabama:

[Sixty-second Congress. DAVID E. FINLEY, South Carolina, chairman; HENRY A. BARNHART, Indiana; BENJAMIN K. FOCHT, Pennsylvania.]

HOUSE OF REPRESENTATIVES, U. S.,
COMMITTEE ON PRINTING,
Washington, D. C., August 26, 1912.

Hon. JOHN L. B. BURNETT, M. C.,
Congress Hall Hotel, Washington, D. C.

SIR: I beg to inform you that I shall rise to a question of personal privilege to-day upon the convening of the House and call attention to your unwarranted remarks about me and the immigration bill I introduced and had referred to your committee.

Meanwhile, I beg to ask you to look into the provisions of my bill and the original immigration commission bill introduced in the Senate by Senator DILLINGHAM and see if either would have admitted the Chinese. I beg to call your attention to the fact that my bill, without qualification or limitation, excluded all persons ineligible to naturalization. The qualification you have in mind and which you attribute to me and my bill was not contained in the bill I introduced or Senator DILLINGHAM introduced, but was an amendment put on in the Senate February 14 and further amended April 15. You are absolutely wrong in every one of your other statements as you are in the Chinese one.

Very truly, yours,

B. K. FOCHT.

The unanswerable and incontrovertible facts are these:

In the CONGRESSIONAL RECORD of Saturday, August 24, 1912 (pp. 756-758 of Appendix), is a "Speech of Hon. JOHN L. BURNETT, of Alabama, in the House of Representatives," purporting to have been delivered "Wednesday, June 19, 1912," or over two months ago, which contains personal statements about me and about a bill which I introduced last January and had referred to the Committee on Immigration and Naturalization, of which the gentleman from Alabama is chairman.

The words and sentences which I will quote could not have been in the gentleman's mind, and no words were further from his thought upon the 19th of June than were the unwarranted statements about me which he obsessed himself in Saturday's CONGRESSIONAL RECORD, and which were never spoken on this floor. Last Saturday was supposed to be the last legislative day. Every Member of this House expected it to be. By mere chance, the merest accident, the House did not adjourn without day last Saturday, and by the merest accident and the merest chance I happened to see yesterday what the gentleman from Alabama had slipped into Saturday's CONGRESSIONAL RECORD as a part of a purported speech delivered in this House two months ago.

I call the attention of the Speaker and the House to the following statements (p. 757 of Appendix):

Mr. FOCHT, of Pennsylvania, introduced one (immigration bill), which in many respects follows the Dillingham bill, but which for confusion and amateurishness is more of a joke than a real bill. It covered 53 pages and contained 39 sections. I doubt whether the author ever read it, but allowed some shrewd joker to impose upon him. He did not ask me for a hearing by our committee on this bill, and possibly only introduced it for home consumption. The last section of the bill also repeals the Chinese-exclusion act and if enacted would soon fill our country with Asiatics, who would drive every white laborer to the poorhouse. There are more than 400,000,000 Chinese in that Kingdom, and they could easily spare 200,000,000 of them. This would be more than twice the entire population of all America. It is unthinkable that any sane man would want to turn loose this great horde of "chinks" on our country.

And then the gentleman from Alabama goes on to comment:

What do you think of that? A medical examination to determine whether or not an alien can read and write. This is a fair sample of much of the Focht bill. Does he not himself need a medical examination?

In the first place, the gentleman from Alabama has inserted in fine print as part of the sentence he purports to quote from my bill, at line 19, on page 15, nine words which are not to be found in the bill. I suppose he will proffer the excuse that the nine words between the two dashes is the work of the printer and that they ought to have been put in larger type and distinguished.

The gentleman says he was made the victim of the printer. That is my answer to his ludicrous "competent medical examination" point. The bill which the gentleman does me the honor to call the Focht bill is identically the same, line for line and word for word, with the exception of seven interlineations, as the Dillingham or Immigration Commission bill. I took the identical bill Senator DILLINGHAM introduced—S. 3175—after it was printed in the Senate and introduced it in the House on January 19, with certain changes I thought desirable. The gentleman is far at sea when he says my bill differs from the original Dillingham bill. I presume attention was called to that typographical error by the agents and attorneys for the foreign steamship companies when he allowed them to come before his committee and express their fears that the Chinese-exclusion acts would be repealed, something they have been working for here in Washington and through the public press for years.

I say again, my bill is identical, word for word, line for line, page for page, and section for section, with the one exception of one section, section 31, which I added in order to repeal the present division of information and display, or employment bureau of aliens, and six little verbal changes. One of these, called attention to by the gentleman in connection with the phrase "competent medical examination," that did not connect with the printer, kept the precise phrase of the original bill prepared by the experts of the gentleman's Immigration Commission, instead of deciphering my interlineation, which was "medical or other competent examination."

The SPEAKER. The time of the gentleman has expired.

Mr. FOCHT. Have I used 15 minutes, Mr. Speaker?

The SPEAKER. The gentleman has.

Mr. FOCHT. Mr. Speaker, I ask to continue until I am through.

The SPEAKER. Is there objection?

Mr. CLAYTON. Mr. Speaker, I asked leave to interrupt the gentleman awhile ago, and I have got the veto power—[Laughter.]

Mr. FOCHT. I surrender.

Mr. CLAYTON (continuing). And unless the gentleman agrees that I may interrupt him, I shall object.

Mr. FOCHT. I surrender.

Mr. CLAYTON. Well, then, I have no objection.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to continue to complete his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Massachusetts. May I interrupt the gentleman?

Mr. FOCHT. Well, I would like to complete this—

Mr. GARDNER of Massachusetts. Mr. Speaker, I will ask the gentleman if this is not a fact. I think there is a misunderstanding between him and the gentleman from Alabama. Both gentlemen are in favor of restricting immigration. I know that, and the House knows that I favor it. The fact is that the gentleman's bill was the Immigration Commission bill. He probably introduced it just as we all introduced our bills—as a foundation on which those who desire a restricted immigration might commence to work.

Mr. FOCHT. That is the way I introduced the bill; exactly as it came from the Senate. I mean to explain, having it all in chronological order.

The bill is a long one and instead of finding fault with any part of its construction, and especially since it was made by the experts of his own commission, the gentleman would be of more patriotic service to his country if he would have had passed some immigration legislation through this House this session. The gentleman dare not deny that there has not been an understanding with the chairman of the Rules Committee and the leaders of the House, for the correspondence published in the CONGRESSIONAL RECORD shows it to be so, that has resulted in the suppression of all immigration legislation this session, and may mean the ultimate defeat next winter. And this bill which passed the Senate four months ago has been in the hands of the gentleman from Alabama ever since. The fear that it

may be strangled in conference has been expressed by such able Democrats as Congressmen RODDENBERRY and DIES, who have raised their voices in protest on this floor, which is something my friend from Alabama has not yet done.

Mr. BURNETT. Mr. Speaker—

Mr. FOCHT. I decline to yield.

Mr. BURNETT. It is my time next.

Mr. FOCHT. Very well. I challenge and brand as a misapprehension the statement made by the gentleman that I introduced this bill for "home consumption," a phrase worn out and indicating impoverishment of the power of expression. My bill would not repeal the Chinese-exclusion act and admit the "chinks" as he says it would. The gentleman must know his error. Section 3 of my bill contains a far better Chinese-exclusion act than the existing one. I call the gentleman's attention to section 3, where it says, page 7, that "all persons who are not eligible to become citizens of the United States by naturalization" are excluded. The gentleman must have been depending too much upon specious arguments for his information about the contents of my bill, for if he had ever read it he would have found that section 3 is far stronger than the existing Chinese-exclusion laws. The gentleman certainly knows that a Chinaman or person of the Asiatic or Mongolian race can not become a citizen by naturalization. Medical examinations are to be sought rather than to be abhorred. They are a good thing for literates and illiterates, and I do not object to the gentleman's statement about my favoring medical examinations for immigrants, for every one of them, and the gentleman knows that that is what quarantine is for, that and fumigation.

The gentleman's committee held hearings all last year and has been holding them all this year, and I find from a perusal of the published hearings of both years that practically the same persons appeared before the committee each time. Each time it was the same old line-up, with countenance and speech the same. The Senate committee went ahead and did business, while the gentleman's committee, under his direction, held hearings and did nothing at all effective. With all the time and opportunity offered they have not put a single bill through which looks to excluding undesirables, although promises have been profuse.

An apparently sincere fight was made two years ago, when the gentleman from Alabama abused Republicans, characterizing them as hypocrites and worse, but when he comes in full control himself, as indicated recently by the Democratic leader, he does nothing and gets nothing done in response to the call heard from every quarter of the country.

The misrepresentation of me, whether designedly or not, in regard to Chinese immigration is shown by the facts in the case. In section 3 of the bill I introduced is a provision which would have better excluded the Chinese than they are now. There is an illiteracy test in that section that could have been made to help do the work also. There are other provisions in that section as well as the one debarring absolutely all who can not be naturalized. The bill I introduced, which the gentleman in a far cry has tried to find a petty fault or two with, would have kept out the Chinese, and this has been so stated to me in correspondence I had with the State Department, but which, owing to the injunction of the department, I can not make public. However, I will be glad to show the letters to any Member who does not need "a guardian" and who does not listen to the whisperings of the foreign steamship companies and cheap labor importers and employers. The correspondence was started by the department. The Assistant Secretary wrote me at once, after I introduced the immigration commission bill, stating that he had correspondence with Senator DILLINGHAM and the Senate committee, and suggested that my bill went too far in excluding and keeping out the Chinese. He wrote the same kind of a letter to Senator DILLINGHAM about his bill. Mr. Speaker, in this connection I wish to say that I prefer the opinion of the State Department to that of the gentleman from Alabama, which seems to be the view and attitude held and argued by the agents and representatives of the foreign steamship companies and large cheap labor employers and alien interests.

I know the bill was recommitted in the Senate February 14, 1912, in order to change the phrase excluding all persons not eligible to naturalization in section 3 and soften it down, and on April 15 it was again recommitted to stiffen it up. The arguments of the steamship people about the changed wording being "involved" and "bungling" seems to have convinced some, but it did not convince the Senate committee or a majority of that body.

Mr. Speaker. I have here letters written by the attorneys for the American Federation of Labor, with regard to this Chinese matter. Copies of the letter of March 2, 1912, refer not to the

original provision in the original bill or as contained in the bill reported to the Senate on January 18, but to the phrase "unless otherwise provided for by treaties, conventions, or by agreements as to passports":

RALSTON, SIDONS & RICHARDSON,
ATTORNEYS AND COUNSELORS AT LAW,
Washington, D. C., March 2, 1912.

Mr. ARTHUR E. HOLDER,
Mr. JOHN A. MOFFITT,
Mr. J. D. PIERCE,

Legislative Committee American Federation of Labor.

GENTLEMEN: You have asked us as to the bearing of Senate bill No. 3175, entitled "To regulate the immigration of aliens to and the residence of aliens in the United States," upon the matter of the exclusion of Chinese from the country, and in reply we have to say:

The bill referred to, in its section 3, enumerating the persons or classes of persons to be excluded from admission to the United States mentions, among others, "persons who are not eligible to become citizens of the United States by naturalization, unless otherwise provided for by treaties, conventions, or by agreements as to passports." The same proposed bill, by its section 39, repeals "all laws relating to the exclusion of Chinese persons, or persons of Chinese descent, except such provisions thereof as may relate to the naturalization of aliens," and is to take effect from July 1, 1912. The provision relative to the naturalization of aliens and intended to be referred to in the proposed act is contained in section 14 of the act of May 6, 1882 (22 Stat. L., p. 58), and reads as follows:

"SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed."

The result of the foregoing is that if the admission of Chinese who are not eligible to become citizens of the United States is provided for by the treaties, they must be so admitted, all of our existing Chinese-exclusion laws being proposed to be repealed. Let us see, therefore, if the treaties provide for the admission of Chinese in the absence of express prohibitive language.

The Burlingame treaty of 1868 recognized the full right on the part of the Chinese to enter, travel, and reside in the United States, the articles controlling the matter being as follows:

"ART. V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

"ART. VI. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most-favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most-favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States."

These provisions have never been abrogated by treaty, but have only been modified by the treaty of 1880, one of the recitals of which is as follows:

"Whereas the Government of the United States, because of the constantly increasing emigration of Chinese laborers to the territory of the United States and the embarrassments consequent upon such emigration, now desires to negotiate a modification of the existing treaties which shall not be in direct contravention of their spirit."

Article 1 explains the principal modification proposed, and the only one of importance so far as our present purposes are concerned. This reads as follows:

"Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country, or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse."

It will be noted, as a result of the foregoing, that, according to the treaties between the two countries—and the only right of exclusion given by a bill has to be in conformity with the treaties—Chinese laborers are given the right of free admission to the United States until and unless, in the opinion of the Government of this country, their coming or residence affects or threatens to affect the interests of this country, or to endanger its good order, or that of any locality within its territory, when, and in no other event, it is agreed that the Government of the United States "may regulate," limit, or suspend such coming or residence, but may not absolutely prohibit it.

When Congress passed the exclusion act in 1882, it introduced it with the following recital:

"Whereas, in the opinion of the Government of the United States, the coming of the Chinese laborers to this country endangers the good order of certain localities within the territory thereof," following, as will be seen, with exactness, the language of the treaty of 1880. The subsequent exclusion acts are simply a continuation of this act, the ones particularly extending or affecting the time of prohibition being those of May 5, 1892 (27 Stat. L., p. 25), and April 29, 1902 (32 Stat. L., pt. 1, p. 176).

With this state of facts as to the treaties and laws, the question before us is simple, and may be summed up as follows:

The treaties provide for the free admission of Chinese in the absence of certain specific findings of fact by the Government of the United States. It is proposed that the Congress shall repeal the laws containing such findings. Immediately upon this action being taken we

revert to the condition which existed immediately consequent upon the signing of the Burlingame treaty of 1868, the modification proposed to that treaty by the treaty of 1880 and itself dependent upon the action of the Government of the United States not being invocable because of the failure of the Government to act or, more strictly speaking, because of the revocation by the Government of the United States of its former action. The conclusion, therefore, is irresistible that if the pending bill becomes enacted in its present form, the right of Chinese to come to this country will be absolutely unrestricted.

We do not discuss the meaning of the qualifying words "unless otherwise provided for by treaties, conventions, or by agreements as to passports" in their relations to Japanese immigration. This for the reason that although it has become public property that passport understandings exist between the United States and Japan controlling the coming of Japanese laborers to the United States. Such passport agreements have never officially been made public property, and in this sense legislation with respect to them is legislation in the dark, so far as the general public may be concerned.

If, however, the idea is to remain in any shape, it might be embodied as follows:

"Provided, That the Secretary of Commerce and Labor may recognize the possession of Japanese passports as entitling the proper holder thereof to admission."

Very respectfully, yours,

RALSTON, SIDDOES & RICHARDSON.

This phrase is not to be found in my bill, as the gentleman would know if he had ever read it. I defy him to find the phrase. I challenge any Member of this House or any person to contend for a minute that my bill in excluding all persons ineligible to naturalization does not go further than existing exclusion acts. The gentleman from Alabama must himself be the victim of a joker or was confused when, in an amateurish way under the cover of a supposed dying congressional session, he fired his shot. When the gentleman talked, or rather wrote into his speech of June 19, published in the CONGRESSIONAL RECORD August 24, those words which were absolutely foreign to his argument on that 19th of June in favor of a larger immigration station at Baltimore in order that more immigrants might be brought in at a southern port—when he wrote those sentences into his remarks about me and my bill he was stating, what was to say the least, a misconception, for he said my bill would let in the Chinese.

He is woefully mistaken, and has predicated his attack not on my bill nor the original Senate bill, but on an amendment to the phrase excluding persons ineligible to become citizens, that provided: "Unless otherwise provided for by treaties, conventions, or by agreements as to passports." I admit that were such a phrase in my bill following the other it would result in repealing the law, so far as absolute exclusion is concerned, and place the discretionary power in the hands of the President to exclude or not to exclude. But there is no such phrase in my bill. It was some such phrase the State Department endeavored to have me accept as an amendment to my bill, but I wrote them in February saying I believed in Chinese exclusion, and that I did not believe in going halfway about it or giving the Executive any discretionary power in the premises, preferring to strengthen rather than to weaken our present exclusion laws. The gentleman from Alabama is altogether mistaken—is in absolute error—when he says my bill would let down the bars to the Chinese. It would not. It would put them up. He has evidently not read my bill. He has probably taken some one's suggestion without looking into the chronological order of this immigration legislation, with which he ought to be entirely familiar. I challenge the gentleman to find the phrase attributed to me and my bill. I call upon him to point it out now and here. He can not do it. I have the bills here. I have the bill I introduced. I have the bill that was reported to the Senate. I have the bill that was first introduced by Senator DILLINGHAM. I have the bill that was reported after it had been recommended, February 14, and that is the amendment the gentleman is apparently talking and thinking about and under which he has covered his assaults upon me. That bill and the next reprint of it are the ones. The amendments in those bills are not contained in my bill, and correspondence with the State Department, had in January and February, shows that I refused to put or agree to have put in my bill the words which might have given the President discretion to let the bars down to the Chinese.

Mr. Speaker, I think I know what ails the gentleman from Alabama and why he inserted thoughts in his speech of June 19, which was published in Saturday's RECORD, which he did not have in the June remarks. Just one week ago to-day the gentleman assured me, in regard to an inquiry on this floor, which is in the RECORD, that the immigration bill, which he asked to have passed over and not considered, would be reached and considered this session. Mr. Speaker, I did not then believe it would be, and so intimated; and it has not. I secured permission to extend my remarks in the RECORD, and did extend them, criticizing the gentleman for his failure to press immigration legislation, and quoted Members on his side of the House to show that there was what amounted, in my opinion, to an understand-

ing to suppress any consideration of immigration restriction this session and probably its ultimate defeat next session.

I was absolutely right in my opinion and the gentleman's assurance then given me has proved to be worthless and wrong. That arrangement may work and it may not. My Democratic friends may catch the foreign vote and they may not. To my mind, questions of state and one as transcendent as this should not turn on any such practical politics. This Democratic House should have had the courage and risen to the patriotic level that inspired and actuated the Republican Senate when on the 19th of last April it passed this Dillingham immigration commission bill. Two years ago the gentleman from Alabama was unsparing in his denunciation of the Republicans then in control of this House for not considering immigration legislation, even though the congressional commission, of which he was a member, had not finished its work, and said that he did not consider that fact or any other sufficient reason for not considering such legislation in view of the alarming immigration evils. No such excuse exists to-day. The commission of which he was a member has reported. The Senate has passed its bill, but the gentleman from Alabama, in charge of immigration affairs of this House, has not brought this bill up for consideration. He has not raised his voice with other Democratic Members of this body in criticism of the suppression of this legislation. Therefore my criticism directed to him as the responsible chairman, being free from any personal feeling or invective, was altogether warranted and did not justify the strictures indulged in by the gentleman in his retort. What is the influence or interest that has prevented the consideration of these bills? What is the mystery that envelops this whole business, anyway? I have seen some telegrams and other data which might in part explain, but I am not going into these matters now. But time will tell and the mysteries attending the stranglehold which has anchored these bills in committee or at the foot of the calendar will be unveiled.

The gentleman's assurance, given me in answer to my question a week ago, as to whether the immigration bill, then withdrawn, would be passed, was that in his opinion it would be. I do not think that I am guilty of going too far by saying that I was disappointed—I hope that is moderate enough—that the bill has not been passed. I only trust that the promises of the Democratic Party might be ultimately fulfilled next December, and that the gentleman from Alabama may have all credit for any labor and effort in behalf of this immigration legislation. No one will write a more exalted editorial for his newspaper than I will, or anybody who is interested in relieving this country of this awful condition.

I just recently received a letter from a brother in Connecticut—and I am sorry that my colleague from Connecticut [Mr. HILL], who has much to say on these questions, is not here. My brother in his letter told me he knew of a gentleman who had walked the streets of New Haven a distance of three squares, inquiring of every gentleman he met where the courthouse was, and no one could answer him in those three squares except a colored man, an American. I trust that gentlemen on the other side who are not familiar with conditions in Pennsylvania might enact this proposed legislation. I trust and want to believe that you are sincere, and that it may be a good thing for you to eliminate it from politics at the present time, and that next year the Dillingham bill, or the Burnett bill, or some bill, may go through promptly and without opposition, and that the results will be just as we anticipated and hoped for.

In conclusion, I trust I may always be the good-natured gentleman described by my friend from New York [Mr. MICHAEL E. DRISCOLL], and that no man may do more or try to do more in this cause than I; but at the same time I shall always resent the impeachment of anybody, either the gentleman from Alabama [Mr. BURNETT] or anybody else, if necessary to reach the truth, which is all I have been trying to do to-day. [Applause.]

Mr. BURNETT. Mr. Speaker, I would like to have unanimous consent for time to conclude my remarks.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent—

Mr. MANN. The gentleman had better fix a limit.

Mr. BURNETT. Say, 20 minutes. I have not prepared my speech on Sunday and have no essay to read, but will make it as brief as I can.

The SPEAKER. The gentleman from Alabama asks for 20 minutes. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Speaker, I have listened to the essay of the gentleman from Pennsylvania [Mr. FOCHT] with a great deal of interest, and I am sorry that any gentleman made the

point of order as to the language that the gentleman from Pennsylvania [Mr. FOCHR] was using; because while I do not desire the name of one who bandies billingsgate with anyone versed in that line of argument, I would have been very glad to have had the opportunity at least to have replied in kind.

The gentleman has referred to the fact that on the 19th of June, in the discussion of the Baltimore immigration matter, I asked to extend my remarks in regard to this question of immigration. That is true, and perhaps the statements that I have made in regard to the gentleman's bill would not have appeared in my speech but for the fact that on the 19th day of this month he asked to extend his remarks in the Record, late in the session, as everybody knew, when the Record was cumbersome and cumbered, and it was not expected that people would read the Record much, and he slipped into the Record a speech by the unanimous-consent process that he has so much deprecated in me. Mr. Speaker, I desire to call the attention of the House to a few of the remarks of the gentleman in that speech which was never delivered, especially those directed against me. On page 12329 of the Record he says, in referring to the report of the Immigration Commission:

The official investigating body created by Congress and composed of Congressmen, that was conducting its inquiry two years ago, has made its report, and that report is now available.

The Republican Senate of this Congress has acted. Its Committee on Immigration reported the 18th of last January an excellent bill, 58 pages long, that had been drawn by the experts of that commission and which contained practically every piece of legislation recommended by that commission.

Now, I would like very much to have the gentleman inform me what expert of that commission drafted that bill. The commission expired last January a year ago. There were no experts that I knew anything about. If there has been experts, certainly as a member of that commission, if it is true that the experts drew the gentleman's bill, I ought to have had that action by the expert submitted to me, but the experts upon whom the gentleman relies never did that, and I do not know to this day that it is a bill drawn by any expert. I deny it, and I think when I read something from the bill you will say, Mr. Speaker and gentlemen, that it was an amateur who drew it and not an expert.

It was on the 18th of January that the Committee on Immigration of the Senate reported the bill. The gentleman complains of the committee of which I have the honor of being chairman about the delay that we made in the reporting of the Dillingham bill. That bill was never reported by the Senate until Congress had been in session a month and a half, and when it was reported, although our commission had recommended that the most feasible manner of restricting undesirable immigration was by the reading and writing test, and although there were two members of that commission on the Senate Committee on Immigration, in some way—I do not charge that the gentleman had anything to do with that—that bill was reported with the illiteracy test stricken out entirely, and for that reason it simply amounted to nothing, so far as its restrictive elements were concerned.

Now, how long did the Senate hold it? I desire to contrast the time within which our committee took action upon it and the time that the Senate itself took action. Although when the bill was passed there were only 8 or 10 against it, yet it was not until April 19 that that Senate bill passed, and on April 20 it came to our committee.

The gentleman states that we gave audience to representatives of steamship companies and others who were opposed to restriction of immigration. We gave three days to those who were opposing the Root amendment and to those who were in favor of the Root amendment and those who were opposed to a clause in the Dillingham bill which required that certificates should be provided to people upon their landing. I stated to the speakers before our committee, although occasionally they would break over, that already we had reported what was known as the Burnett bill, which stood straight by the illiteracy test, and that that question should not be discussed; and it seems to me that is the only way we could really do it, if they really desired to restrict immigration. Some months before that time the Burnett bill had been reported, on April 16.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. COOPER. What was the Root amendment, to which the gentleman made reference?

Mr. BURNETT. I have it here, but I will give the gentleman the amendment in substance. It was one which allowed the deportation of aliens who were in this country and who were trying to organize strenuous opposition to organized government. That is substantially it. There was much opposition to it. There were members of the committee who believed that if the Root amendment were adopted and people, without trial by

jury or trial by courts, merely upon the ipse dixit of the immigration inspector, were deported, then the Russian rulers would have their spies all over this country, and they would trump up charges against people from that country, some of them probably splendid Jewish people, and without trial they would be deported for the purpose of having condign punishment meted out to them on the other side. There were many members of the committee who did not believe that amendment ought to be passed. The other proposition required that those who came to this country to land should be compelled to have an identification certificate. That was opposed by many people, and before us we had the distinguished commissioner of immigration from Ellis Island, where most of these people come. That gentleman stated, and it is in the Record, that if any such thing as that were required these people would lose the certificate before they got outside of the building, and it would be absolutely useless and perhaps make trouble for many a poor fellow who could not produce it. Those were the two things mainly on which we held the hearings. The gentleman says it was the representatives of the steamship company that appeared before us. I am not in touch or in the confidence of the steamship companies and hence can not say, as the gentleman seems to speak from knowledge or some information that he relies upon, that it was the steamship companies that appeared before us.

Let me read what he says in regard to it:

The immigration committee of the Republican Senate industriously considered the bill, while the gentleman's committee as industriously pigeonholed the very same immigration bill which I myself introduced and had referred to the gentleman's committee seven months ago, as I have said, and where my measure still remains unconsidered and unreported to this day.

Mr. Speaker, I am going directly to call attention to the gentleman's bill and then see whether that committee did not do right, especially in view of the fact that the gentleman never thought enough of his bill to ask for a hearing upon it. He talked to me a time or two in regard to whether immigration legislation would be reported, but never cared enough for his bill to ask for its consideration. Already the bill which I introduced had been reported, and I immediately filed a resolution asking for a rule to have it considered by the House, and when the Dillingham bill was considered for several days, on motion of a gentleman—I shall not say who he was, though I do not think he would object—the unanimous opinion of those who were in favor of restriction was that the Dillingham bill should be stricken out, after the enacting clause, and the Burnett bill should be reported in its place.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Certainly.

Mr. GARDNER of Massachusetts. I presume the gentleman refers to me?

Mr. BURNETT. Yes.

Mr. GARDNER of Massachusetts. The gentleman is correct in his statement. I have no objection to his referring to me.

Mr. BURNETT. I thank the gentleman from Massachusetts. No one can question the sincerity or the interest of my friend from Massachusetts [Mr. GARDNER], who has fought with me for years and years to try and secure restrictive legislation. It seemed best, in order to expedite the legislation that all after the enacting clause of the Dillingham bill should be stricken out and that the Burnett bill should be reported. When that was done I again introduced a resolution before the Committee on Rules asking that what my distinguished friend has been kind enough to denominate the Burnett-Dillingham bill might be taken up in order that consideration might be given to it. I urged members of the Rules Committee to report the bill. There were gentlemen upon each side of the House, and I believe I am safe in saying as many Republicans as Democrats in proportion to the numbers of each, who asked me to allow the bill to be passed over until the next session of Congress. I said to them that I was in favor of passing the bill at this session, and I wanted the Committee on Rules to give me a rule, and that if my Committee on Immigration were reached on any Calendar Wednesday I would be there, as I have been here every Calendar Wednesday and stayed through until the gavel fell at the end of the day, for the purpose of trying to get that bill and place it upon its passage.

Mr. LAFFERTY. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Certainly.

Mr. LAFFERTY. Upon whom does the responsibility rest, if it may be termed responsibility, for failure to pass the Burnett bill during this session?

Mr. BURNETT. Mr. Speaker, I think that the responsibility rests just where it did two years ago, when there was a similar

failure, when the Republican Party was in power—upon the Rules Committee. We could not get a rule for its consideration.

Mr. LAFFERTY. Then the only difference is that at this time the responsibility is upon the Democratic Committee on Rules and that before it was upon the Republican Committee on Rules.

Mr. BURNETT. That is the way I look at it; yes. I am not defending the Committee on Rules, and I have not done so. Now, Mr. Speaker, let me read you along here again. The gentleman goes on and says—

Mr. RAKER. Will the gentleman yield?

Mr. BURNETT. Yes; if I can get more time.

Mr. RAKER. I do not want to inject any outside matter at this time, but I do wish to ask a question of the chairman of the committee at this time. I have been industrious and diligent in appearing before his committee, I have appeared most every time they met, and particularly before the subcommittee, upon a bill (H. R. 13500) having for its purpose the exclusion of all Asiatic laborers. That bill went to the immigration commissioner, and was reported back favorably with the exception, which stated that the general exclusion was a question of policy for the Government, but the administrative features of the bill were perfect. Now, I want to ask, if I am entitled to ask, upon whom does the responsibility rest that the subcommittee having in charge my bill, with whom I have so persistently worked that I almost became a bore to the committee, for its failure to report to the full committee or to the Congress upon that bill.

Mr. BURNETT. Mr. Speaker, I will answer the question of the gentleman. Mr. Speaker, there was a subcommittee—

Mr. CANNON. Mr. Speaker, I do not know anything about the bill or the committee to which the gentleman refers. I do not know who the subcommittee were, but I believe by the rules of this House a Member is prohibited from stating what happens in a committee.

The SPEAKER. There is certainly no doubt about that.

Mr. RAKER. Do I understand from that that I am not entitled to the information? If that is the case, of course I will not insist on an answer.

The SPEAKER. That is undoubtedly the rule.

Mr. RAKER. Mr. Speaker, that being the rule I am not going to ask to violate any rule of this House when I can avoid it.

Mr. BURNETT. Mr. Speaker, I will not undertake to shift any responsibility upon any member of a subcommittee or anyone else. I suppose it is permissible for me to state my views in regard to the matter without any reflection whatever on my part toward other gentlemen. The bill of which the gentleman speaks would exclude all Asiatics. We have a treaty that was made, I believe, in 1907 by which the Japanese are almost entirely being excluded. The records of the Commissioner General of Immigration show that within the last two years' time only about 2,000 Japanese have come in each year and more than 5,000 have gone out. That being true, I stated to the committee that I believed that at this time it would be better, unless that condition was acute or grew to be acute, when 3,000 had gone out in the last two years more than had come in, that it certainly was not an acute condition as far as they were concerned, and as we already had a Chinese-exclusion act which kept Chinese out, and the educational test would keep out a great many of the 2,000 coming in—I mean coming in lawfully; I am not talking about those smuggled over the border, because that is illegal, and it is not within the provision of the law as it stands now to permit them to come in—and hence I believe it would be better to postpone that legislation for a year or two, unless conditions were more acute, as far as the Japs were concerned.

Now, I want to read further from the gentleman's speech. He complains and uses harsh epithets, to which I should reply but for the fact that I have too much respect for gentlemen in this House and the rules of this House to violate the rules of the House by replying in terms as I would have done, perhaps, if it were not for those rules.

The SPEAKER. Well, it has been agreed that all these harsh epithets shall be stricken out of the speech of the gentleman from Pennsylvania.

Mr. BURNETT. I want to read what the gentleman said in criticism of Mr. POU, of the Rules Committee. He said:

But I want to remind such gentlemen, and particularly the gentleman from North Carolina [Mr. POU], who is now on the Rules Committee, that his committee and the Immigration Committee are absolutely responsible for the failure of this House to consider immigration legislation.

Now, Mr. Speaker, I carry no brief in defense of the Rules Committee, or any other committee than my own, but any charge or insinuation that the Committee on Immigration has

tried to stifle this legislation or prevent the passage of this legislation is untrue and unjustifiable and not based upon the facts. Mr. Speaker, when you go into a court of equity you ought to go in with clean hands. Why could not the gentleman have taken advantage of a Wednesday when he could have had an hour in which to have made the speech from which I have quoted.

When the bill to keep out deserting alien seamen was called, I asked that it be passed for the present. The gentleman from Illinois [Mr. MANN] asked for what reason. I said because it was thought that there may be serious conflict between it and the bill that was reported by the Committee on Merchant Marine and Fisheries and passed the House, in regard to imprisonment of seamen, and we wanted to look into that. We have secured an amendment. It is a close question, Mr. Speaker, and must be carefully considered and carefully revised, and not amateurishly revised, and we have been considering it, and believe we have reached what will be an amendment that will not be in conflict with that wise bill. And I would be glad to call it up if I could call that up and get it passed. Mr. MANN said the reason was proper.

The gentleman could have had his hour on that Wednesday if he had desired it, but he has slipped into the Record a charge that I and the committee over which I preside are responsible for the defeat of this legislation. I believe that his bill repeals the Chinese-exclusion act, and I want to call attention to that section of the bill. The last section of his bill does that. It is section 39:

SEC. 39. That this act shall take effect and be enforced from and after July 1, 1912. The act of March 26, 1910, amending the act of February 20, 1907, to regulate the immigration of aliens into the United States; the act of February 20, 1907, to regulate the immigration of aliens into the United States, except section 34 thereof; the act of March 3, 1903, to regulate the immigration of aliens into the United States, except section 34 thereof—

Here comes what is a repeal of the Chinese exclusion law—

all laws relating to the exclusion of Chinese persons or persons of Chinese descent, except such provisions thereof as may relate to the naturalization of aliens; and all other acts and parts of acts inconsistent with this act are hereby repealed on and after the taking effect of this act.

He says the provision in section 3 of his bill saves him from the criticism that I have made to it. Let us see if it does. It is the long section. It says:

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, and insane persons.

And so forth.

A semicolon appears after all those classes. Going over on the next page, he says:

All male aliens 16 years of age or over, who are physically capable of reading and writing, but who are unable to read and write in some language or dialect, such aliens to be tested in this regard in accordance with methods and rules to be prescribed by the Secretary of Commerce and Labor, but an admissible alien may bring in or send for his father or grandfather over 55 years of age, or a son not over 18 years of age, otherwise admissible, whether said father or grandfather or son are able to read and write or not.

Those are the excepted classes. Then comes a full stop—a period—and then there is a provision:

This provision, however, shall not apply to citizens of Canada, Newfoundland, Cuba, the Bermudas, or Mexico, nor to alien residents of continental United States returning from foreign contiguous territory after a temporary sojourn therein, nor to aliens in continuous transit through the United States, nor to the inhabitants of the Philippine Islands, Guam, Porto Rico, or Hawaii except as hereinafter provided, nor to aliens arriving in the Philippine Islands, Guam, Porto Rico, or Hawaii, but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent, the reading and writing requirement shall apply.

Those are the exceptions to it. Now he comes in after a semicolon, after a full stop before it, with—persons who are not eligible to become citizens of the United States by naturalization.

I would like to see any court give any other construction to this law that must be strictly construed. I would like to see an enunciation of those who should be kept out. It comes to a full stop, and then comes to a semicolon, and says:

Aliens who are not citizens of the United States.

No court would say that that, disconnected as it is, has any reference to the fact that persons who are not eligible to become citizens of the United States by naturalization are excluded. Now, you take that, Mr. Speaker, in connection with the specific repeal of the Chinese-exclusion law, and in the last section of this the exclusion law is repealed. The gentleman can not escape the proposition.

[The time of the gentleman from Alabama [Mr. BURNETT] having expired, by unanimous consent he was granted 15 minutes additional.]

Mr. BURNETT. In my remarks, Mr. Speaker, I criticized the gentleman for this:

And if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was so affected or afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect or inability to read and write might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of \$200 for each and every violation of this provision.

They have to have a mental examination to determine whether they can read and write. What do you think of that?

But the gentleman pleads the baby act by saying the printers interlarded that expression, and says he has something in the bill that makes it clear. If that be true, the gentleman could have made that change there and reintroduced this bill and put it on the calendar, and not subjected himself to the criticism ever since January 19. He boasts how long it has been here; and certainly the gentleman has not read it since, until I called his attention to the fact that he was asking that people who were subjected to a physical examination to tell whether they could read or write or not.

Now, there is another thing that I want to call attention to. The gentleman's bill would admit those coming in from Canada, the Bermudas, Cuba, and Mexico—that is, he excepts those who are citizens of those countries. I suppose the gentleman did not take the time to examine into the fact that there are 18,000 or 19,000 Mexicans coming in every year, many of them being of the most vicious class of immigrants and over 40 per cent of them unable to read and write. Yet the gentleman would keep out those coming from Germany, and England, and Ireland, Scotland, and Scandinavia—any person coming from there—although there would be but few of them, and let in the Mexican.

In the speech of which the gentleman complains I show that not more than 1 per cent of those from the British Isles, and less than 1½ per cent of those from Scandinavian countries, and not more than 2 per cent of the Jewish people from Russia, and not more than 2 per cent of the Bohemians, Jews, and French would be excluded.

The gentleman is willing that it shall be applied to them, but here Mexico sends some of the most vicious people who ever cross our borders, and the gentleman wants to throw open the gates of our country and let these people come in here and make war against organized government. [Applause.]

This is the bill of the gentleman. And not only that, but I do not suppose the gentleman knew the fact that Mexico allows the naturalization of the Chinese, and how easy, then, it would be for them to effect an entrance here! The gentleman rises in indignation against the imputation that his bill would let in the Chinese, and yet the laws of Mexico are such that Chinese may be naturalized there, and the gentleman by allowing the Chinese to come into Mexico and stay the requisite time for naturalization, would then allow them lawfully to come across our borders.

That is the gentleman's bill, Mr. Speaker. I do not care what attorney prepared it, I do not care whether it was the work of an expert or not. I deny that fact, because the members of the commission ought to have had some notice of the fact that such an enormity was attempted to be perpetrated upon them as this bill seeks to perpetrate. Those are the plain facts, and any lawyer who had ever looked into a law book ought to realize the danger of it and guard against it.

The framers of the Dillingham bill did realize the danger there, and there was inserted at the end of section 3, I believe, what is still an obscure statement of the fact that the Chinese are sought to be excluded from the operation of the provision applying to those who can come in at all. In other words, the repeal of the Chinese-exclusion law ought to be avoided.

Now, then, I am not here, Mr. Speaker, to defend the Senate. Those distinguished gentlemen who inserted in the Dillingham bill the exception that allows those to come in under the provisions of passports may be able to give their reason for doing that. As I said a moment ago, as far as the Japanese coming to this country are concerned, but few of them would be affected either way, and the illiteracy test, if that could be passed, which was left out in the committee of the Senate, would exclude, in my judgment, the greater part of them.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. RAKER. Is it not a fact that about 90 per cent of the Japanese that enter the United States can read and write?

Mr. BURNETT. I do not think the records show that.

Mr. RAKER. That is my understanding.

Mr. BURNETT. The reports of the commissioner general will show what the fact is.

Mr. CANDLER. Does the gentleman mean that they can read and write English?

Mr. BURNETT. No. No; they are not required to read and write English.

Mr. RAKER. As I understand, the Dillingham bill does not require that they shall be able to read and write English, but just that they shall be able to read and write some language. Is not that right?

Mr. BURNETT. Yes.

Now, Mr. Speaker, I believe that I have covered the ground. The gentleman from Pennsylvania [Mr. Focht] says that I never saw this in his bill until my attention was called to it by some attorney of a steamship company. Well, Mr. Speaker, I do not care where I got my information. His statement is not true to start with, and I will elaborate that after a little. But I am not so stolid or so set that I will not take information from any source, if it is correct information. The fact is that the gentleman's bill was never referred to during the time of the discussion of the Dillingham bill. No attorney, no agent, no individual ever made any reference to it, except that Judge SABATH at one time, realizing that the gentleman was in the room—I did not notice his presence up to that time—asked him if he had anything to say in regard to his bill, and he did not ask to be heard.

I think the gentleman comes in with poor grace, when he has attacked me in the manner that he has, and then attacked the manner in which I replied to him. He is unjust and incorrect in his attack. I would brand it with different language, Mr. Speaker, but for my reverence and respect for the rules of this House. I have stated the case. If the gentleman can make anything out of that, he is at liberty to make as much as he cares to, but those are the stern and stubborn facts, and there his bill stands and there the result will stand. [Applause.] Without doubt his bill repeals the Chinese exclusion act.

I thank the House for its attention.

Mr. MANN. Mr. Speaker, will the gentleman yield to me?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. BURNETT. Yes.

Mr. MANN. The gentleman, as chairman of the Committee on Immigration and Naturalization, reported the Senate bill quite a while ago?

Mr. BURNETT. Yes.

Mr. MANN. I do not remember the date.

Mr. BURNETT. I can give the gentleman the date. It was reported June 7.

Mr. MANN. And also reported his own bill, a House bill, on the same subject.

Mr. BURNETT. Prior to that.

Mr. MANN. The gentleman states, and I accept any statement which he makes, that he has made every diligent effort to get the bills up for consideration.

Mr. BURNETT. Yes.

Mr. MANN. Is the gentleman, then, thoroughly convinced that under the new reform rules of the House, which I see referred to nearly every day in some speech as having been reformed so that business can come before the House when gentlemen desire it to come—is the gentleman convinced that these reform rules have been so well reformed, when the chairman of an important committee of the House, with a very important bill in charge, is yet unable after the most diligent effort, extending over months, to get it before the House for consideration?

Mr. BURNETT. No; I think there ought to be some further reforms. [Applause.] I think what they have is a very great reform over what was the condition when the gentleman's party was in power.

Mr. MANN. In what respect, as to the immigration bill?

Mr. BURNETT. In regard to these Calendar Wednesdays, which came in perhaps by force of circumstances toward the end of the Republican control of this House, I believe it is wrong that one committee should have two days on Calendar Wednesday and then go on with indefinite debate afterwards. I believe there ought to be some reform there in regard to Calendar Wednesday, so that one committee should not occupy that day for two Wednesdays and then continue indefinite debate afterwards. I think that is one of the reforms that is still needed.

Mr. MANN. Under the old rules of the House, and, for that matter, under the existing rules, it is in order every day to call the calendar of committees; in fact, that is the regular order under the rule. Since the reform of Calendar Wednesday was instituted it is not very often that the Speaker can possibly get the opportunity of proceeding to a call of the calendar. That has not worked very effectively in getting the gentleman's bill before the House.

Mr. GARDNER of Massachusetts. May I ask the gentleman from Alabama a question?

Mr. BURNETT. Certainly.

Mr. GARDNER of Massachusetts. Does not the gentleman think—

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. BURNETT. I ask for one minute more.

Mr. GARDNER of Massachusetts. I ask unanimous consent that the gentleman may have two minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimously consent that the gentleman from Alabama may have two minutes. Is there objection?

There was no objection.

Mr. GARDNER of Massachusetts. If this Calendar Wednesday rule were to be amended so as to allow only two hours' general debate on a separate bill, does not the gentleman think we then would have a true reform? I call the gentleman's attention to the fact that as the Calendar Wednesday rule was originally proposed to this House it provided that only three hours should be allowed in general debate on each bill and that I myself this year have introduced a resolution which is sleeping in the files of the Committee on Rules confining general debate on any bill brought up on any Calendar Wednesday to two hours.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. BURNETT. Answering that question, I will say I believe there ought to be some amendment. As to whether the two-hour rule would be the correct one or not, I am not here to say, but I think there ought to be some limit to it.

Mr. MANN. Does the gentleman think that even on as great a bill as the immigration bill, which is not by any means the greatest bill that has ever come before the House the House ought to be restricted in general debate to two hours or that upon some great measure the House ought to be restricted by the rules to two hours' debate, when if it is on the House Calendar that is the end of all debate, because there is no five-minute debate on bills on the House Calendar.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. GARDNER of Massachusetts. Yes.

Mr. HENRY of Texas. I want to correct the gentleman in one thing. His resolution is not sleeping in the Committee on Rules.

Mr. GARDNER of Massachusetts. I ought not to have stated that.

Mr. HENRY of Texas. I wish to say I am heartily in favor of the gentleman's resolution, and if there is any one reform that ought to be brought about in this House in regard to the rules it is the one limiting time for debating these bills on Calendar Wednesday, and I hope that both sides of the House, Republican and Democratic alike, will insist that debate be limited to two hours upon these bills on Calendar Wednesday, and then if very important matters come up upon that day, and more time be needed, we can always find a way to consider such a bill in some way.

Mr. MANN. How?

Mr. GARDNER of Massachusetts. Mr. Speaker, I have suggested in that rule to which the gentleman referred that by a two-thirds vote of the House the time for general debate may be extended. I think that safeguards the opportunity for reasonable debate. The gentleman from Illinois asked the gentleman from Alabama whether he did not think two hours much too short a time in which to consider the immigration bill. I call both gentlemen's attention to the fact that only three hours were allowed on June 25, 1906, when the great fight came upon immigration. This time was allowed not for general debate alone but for reading and debating the 45 sections of the bill as well.

Mr. MANN. Did the gentleman approve it?

Mr. GARDNER of Massachusetts. No.

Mr. MANN. And now the gentleman seeks to make it two hours.

Mr. GARDNER of Massachusetts. What I disapproved was the rule which made it impossible to get a yea-and-nay vote upon the amendments adopted.

Mr. MANN. There will be no yea-and-nay vote on amendments on a bill that is on the Union Calendar.

Mr. FITZGERALD. The fact is that on Calendar Wednesday now under the rule a majority of the House can terminate debate at any time.

The SPEAKER. All of this debate is out of order.

Mr. MANN. I ask unanimous consent that the time of the gentleman from Alabama be extended for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Alabama be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, now that the time of the gentleman from Alabama has been extended, I desire to ask the gentleman from Massachusetts a question. Is it not a fact that under the rules of the House at the present time a majority of the House can close general debate or limit it to any time it desires on Calendar Wednesday?

Mr. GARDNER of Massachusetts. There has never been a time when a majority, if it wished to conceal its views on any particular question, could not do so by voting to consider something else. There is not a doubt that the Members of this House, by refusing to close debate, could conceal from their constituents the fact that they desired to avoid going on record on an awkward bill. That is what I object to.

Mr. FITZGERALD. That is not an answer to the question at all.

Mr. GARDNER of Massachusetts. I want to make the closure of debate automatic unless extended by a two-thirds vote of the House.

Mr. FITZGERALD. The gentleman wants an automatic rule limiting the time for debate on bills which under the rule now come up under special conditions, and, regardless of the merits or the conditions, he wants to have the most effective gag rule ever designed to force legislation through the House.

Mr. GARDNER of Massachusetts. Possibly, under certain circumstances. Here we have been for the last few weeks on Calendar Wednesday trying to avoid the consideration of the immigration bill. Why? Not because a majority of the House is opposed to the bill, but because a majority does not want the bill to come up. Whichever way men vote, they fear they may get into trouble.

Mr. FITZGERALD. The gentleman's purpose is to make it impossible to debate bills that Members wish to debate in order to make it possible to reach the bill which he insists a majority of the House is anxious to pass but does not want to consider.

Mr. GARDNER of Massachusetts. Members of the House avoid going on record for or against a particular bill by voting to consider some other bill.

Mr. FITZGERALD. Oh, I think the gentleman exaggerates matters. All the Members of this House act about the same.

Mr. GARDNER of Massachusetts. Yes; I plead guilty.

Mr. FITZGERALD. Neither the gentleman nor myself conduct ourselves any differently on these matters from other gentlemen.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Massachusetts. For administrative reasons our immigration restrictions are relaxed as to either Canada or Newfoundland. We know that it would be highly inconvenient and probably of no practical effect to enforce an illiteracy test on passengers who travel daily on the ferryboats in and out of Detroit, for instance. Hundreds of trains cross the Canadian border every day. I have never believed and I do not now believe that it is wise to impose an illiteracy test against Canadians. Nevertheless, I raise no objection to including Canada in the operation of the illiteracy test, if that will help to pass the bill.

Mr. FITZGERALD. I think if the gentleman wants a bill of that sort he ought not to let in the illiterates from Canada, so as to continue the distressful and horrifying conditions in the New England mills we have been hearing so much about.

Mr. GARDNER of Massachusetts. Canada sends us practically no illiterates.

Mr. MANN. Mr. Speaker, I ask unanimous consent for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. MANN. There has been more or less said this morning in reference to a limitation of time of debate on Calendar Wednesday. Of course, you might as well limit it on every other day if you limit it on Calendar Wednesday, because you can call up on Calendar Wednesday any bill that is on the calendar which is not a revenue bill or an appropriation bill, practically speaking.

Here is a serious proposition urged by the gentleman from Massachusetts [Mr. GARDNER] apparently acquiesced in by the gentleman from Texas [Mr. HENRY], the chairman of the Com-

mittee on Rules, that there ought to be in the rules a limitation of debate upon great measures. The gentleman from Massachusetts himself just now is a living illustration of his opposition to closing debate when attacked in the last speech. He would not be willing to have two hours' only general debate upon the immigration bill if he could not have part of the time and somebody should attack his propositions on immigration. I have often noticed in the House that when gentlemen become thoroughly infatuated with some particular bill that they would like to close general debate until that bill is passed if they can control the time that is allowed on general debate on the bill. But I believe that the rules ought always to provide that a small minority of the House on great public questions should have the opportunity of being heard in general debate. The rules now authorize a majority of the House to close debate at once upon a House calendar bill by operation of the previous question, and whenever they please upon a Union Calendar bill by a vote of the House. Here we have had up this year or have on the calendar a bill for Philippine independence, a bill providing for a general government in the Philippine Islands, the immigration bill, and we will have the compensation bill, which is not yet on the calendar, although it ought to be, and a serious proposition being urged that the House shall limit debate by the rules for two hours, subject, of course, I believe, to two-thirds of the House giving a larger time, but absolutely foreclosing the right of a small minority to have any time in general debate. We have seen how that operates when we come to debate upon a question. The chairman of the committee or the gentleman in charge of a bill is entitled to the first hour. Nominally, somebody in opposition to the bill is entitled to the next hour. As a matter of fact, a member of the minority of the committee is recognized for the second hour; and if one member of it will state that he is opposed to the bill at all he is entitled to the hour under the practice of the House, and no outside Member is entitled to any time if the time is to be cut so short.

I do not believe in a reform of the rules which provides that the consideration of measures must take place in the distinguished body at the other end of the Capitol and can not take place in the House of Representatives. [Applause.] If there is any one thing that has largely destroyed the influence of the House of Representatives in the popular mind it is the fact that we pass bills of great public importance often with little or no debate, and then they go to the Senate, where they are often thoroughly debated, and generally in that respect changed entirely, and come back to the House, where we either send them to conference, and then have no debate upon the measures at all in the House, or agree to the Senate amendments with very little debate. There are many ways now of limiting debate. There are many ways of extending debate. Gentlemen may make rules from now until the end of time, and there never will be found a method of preventing delay where a majority of the House body desire delay. You may shut off general debate. You may do what you please in reference to that, but you will not expedite the consideration of measures to which a majority of the body is opposed in this or any other legislative body. I protest against the proposition that the House shall adopt a rule which will prevent proper consideration of great public measures.

Mr. CANNON. Mr. Speaker, I would like to take five minutes.

The SPEAKER. Without objection, the gentleman from Illinois [Mr. CANNON] is recognized for five minutes.

There was no objection.

Mr. CANNON. Mr. Speaker, I just came into the Chamber and directly or indirectly the subject of immigration seems to be talked about. It has been a good deal talked about in the last few years. I have very pronounced views upon it, and I have no desire to conceal them. I have no desire to avoid responsibility for any action as a Member of this House that I have ever taken heretofore or now.

There are about 350,000,000 people of our race—the Caucasian race—engaged in one occupation and another in Europe. My forebears, scattered around in various countries, finally landed in this country a little over a century ago. I am glad they came. I do not know whether they could read and write or not. Whatever this generation that I belong to of my family may amount to, for two generations at least they were people who lived in the sweat of their faces. They were Caucasians; they were good citizens; they contributed to the development and the betterment of our civilization.

Now, we have got less than 100,000,000 of people in the United States. When we are as thickly settled as Europe is, we will have from 400,000,000 to 500,000,000. Thus far we have just scratched the surface of this country. There come to this

country about a million immigrants a year, those who are permitted to come. I have voted for Chinese exclusion because, with the habits of the Chinese and the manner of their living, we can not sustain our civilization and compete with them.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

The SPEAKER pro tempore (Mr. JOHNSON of Kentucky). Does the gentleman yield?

Mr. CANNON. I would rather not, because I have only five minutes. I do not want to talk long.

Now, about a million, as I say, on the average, come every year, people of substantially our race, people who are willing to live in the sweat of their faces. I would rather have, if need be, a thousand or ten thousand men come that can not read and write who are willing to work and help matter assume shape that is useful to the human family, than to have a hundred come that can read and write and who seek to live by "black-hand" operations or otherwise in the sweat of somebody else's faces; and therefore I protest against that illiteracy qualification.

I can tell you how you can stop immigration to this country. You can do it by enacting laws that will cover all of the nearly 100,000,000 people in this country—laws that in their operation will decrease the wage or the compensation of the people, however employed, in the United States. This million a year comes—what for? For a better wage, for a better manner of living, for a better civilization; and the common schools take care of their children. The first generation, in the main, that works is pretty good, and the second generation is better, because they learn the language and learn our habits.

Now, if you will pursue the policy that will make it unprofitable for them to come they will not come. Now, as I am a little over a century old in this country—a little over, about a century and 12 years—I have no sympathy with the men who come in this generation from Europe, and in the second generation or any other generation will say, "We will pursue a policy that will stop immigration, because we want to get rid of that competition here. When you pursue that policy, you come into competition with 350,000,000 people, substantially of the Caucasian race. I would rather have a million a year, who labor in Europe and ship their products to this country, come as your forbears and my forbears came, and cast in their lot with us, shutting out the criminal, shutting out the dissolute, shutting out the diseased; I would rather have them come and help the coming generations to develop this country with liberty, and, as we increase in population, and as the hives swarms and goes out to other portions of North and South America, to work out their salvation; I would rather have them come than reduce our style of living and reduce our standard of compensation to the level of that of the Old World. Choose ye as your judgment warrants.

This is not a new doctrine for me. I have been attacked bitterly touching immigration. I have nothing to conceal. I have nobody to call hard names, but I do not see legislation as proper that other gentlemen do see. [Applause.]

EXTENSION OF REMARKS.

Mr. HAMILTON of West Virginia. Mr. Speaker, a few days ago, in connection with quite a number of Members of the House, I got permission to extend my remarks, but I find no mention of it in the RECORD. May I ask unanimous consent to extend my remarks?

The SPEAKER pro tempore. Without objection the gentleman will be permitted to extend his remarks in the RECORD.

There was no objection.

By unanimous consent, Mr. DYER was given leave to extend his remarks in the RECORD.

CERTAIN REAL ESTATE IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up House bill 15626, to provide for the proper deed of conveyance to real estate in the District of Columbia when the United States contributes to its purchase or condemnation.

The SPEAKER pro tempore (Mr. RAKER). This does not require unanimous consent, does it?

Mr. JOHNSON of Kentucky. No; this is District of Columbia day.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the title of the bill.

Mr. JOHNSON of Kentucky. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. MANN. Reserving the right to object, let us have the bill reported.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter whenever any real estate is acquired, whether by purchase or condemnation, to be used, in whole or in part, by the municipal government of the District of Columbia, or

any branch or department thereof, and the United States contributes to the purchase price thereof, the deed of conveyance therefor shall be made to the District of Columbia and the United States jointly, in the same proportion to which each has contributed toward its purchase or condemnation.

Sec. 2. That this act shall take effect upon its passage.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. MANN. Reserving the right to object, I should like to have the bill reported.

Mr. JOHNSON of Kentucky. It has been read.

Mr. MANN. The Clerk read the original bill, but there is a committee amendment, and the bill is not reported until the committee amendment is reported.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That whenever any real estate heretofore or hereafter acquired by the District of Columbia toward the purchase price of which the United States contributed, ceases to be used for the principal purpose for which it was acquired it shall be sold; and, when sold, the proceeds of sale shall be divided between the United States and the District of Columbia in the same proportion as each contributed to the purchase and improvement of same. Any improvements put upon any such real estate, as well as any fixtures or appurtenances thereunto belonging, shall be sold with the real estate, and the proceeds of sale shall be disposed of in exactly the same manner as the proceeds of sale of the real estate as above set out. The provisions of this act shall also apply to and include any property acquired as aforesaid, whether it be within or out of the said District of Columbia.

"The sale of said real property shall be made at public auction, in front of the Municipal Building, after having been advertised four times in a daily newspaper published in the District of Columbia, one week to intervene between each publication, the last publication to be made on the day before the sale, the sale to begin at 3 o'clock and 30 minutes in the afternoon; but the property shall not be knocked off or sold until 4 o'clock; that is, the sale is to be cried for 30 minutes. The property so sold shall be paid for as follows: One-third cash and the remainder in equal installments due 6 and 12 months after day of sale, the deferred payments to bear interest at the rate of 6 per cent per annum from day of sale until paid, a lien to be reserved upon the property to secure the deferred payments. Other than the newspaper advertising, the expenses of the sale and conveyance to the purchaser shall not exceed \$50.

"The deferred payments herein mentioned shall be evidenced by promissory notes, the total amount of which shall be divided between and executed to the United States and the District of Columbia according to the interest of each therein. The Secretary of the Treasury shall require such surety, in addition to the lien, upon the notes payable to the United States as he shall deem ample and sufficient; and the Commissioners of the District of Columbia shall in like manner pass upon the sufficiency of the surety upon the notes payable to the District of Columbia. The purchaser may, upon his election to do so, pay cash instead of executing the promissory notes, or he may take up any of the deferred payments before maturity.

"The Secretary of the Treasury shall make the settlement of such accounts between the United States and the District of Columbia, and this settlement made by him shall be final."

The SPEAKER pro tempore. Is there objection?

Mr. FITZGERALD. Reserving the right to object, Mr. Speaker, I call the attention of the gentleman from Kentucky to the fact that this is a very extraordinary bill. It gives unusual powers to an official. Under this bill the Secretary of the Treasury could sell most of the parks in the District of Columbia to whose purchase the United States has contributed if he were to determine that they were no longer required for park purposes. I do not think at this time in the session a bill like this should be passed.

Mr. JOHNSON of Kentucky. The gentleman from New York is entirely mistaken in saying that any executive officer should dispose of the parts under this bill. The gentleman says this is a most extraordinary bill; it is, because it is a most unusual bill. The United States for years and years has contributed to the purchase of real estate in the District of Columbia, to be used exclusively by the District of Columbia. The school property now in the District amounts to about \$10,000,000. There is other property to the extent of perhaps more than \$5,000,000, to the purchase of all of which the United States Government has contributed to the extent of one-half. Now, it would certainly seem that no man could offer a reasonable objection to the proposition that when this property ceases to be used for the purpose for which it was required it may be sold and the money be distributed between the United States Government and the District of Columbia in the same proportion in which it was contributed.

Mr. FITZGERALD. It might be most desirable to use the property for some other purpose. For instance, property may be used for a school for a good many years, and the school be abandoned, and then it might be highly desirable to erect a police station or an engine house upon the land.

Mr. JOHNSON of Kentucky. And Congress would have a perfect right to have that done.

Mr. FITZGERALD. But the Secretary of the Treasury could sell it.

Mr. JOHNSON of Kentucky. But for the Commissioners of the District of Columbia to get money from the Federal Government upon one guise and then use it in their discretion, without the interference of Congress, for another purpose, is wrong, and I say that somebody in Congress representing the interests of the United States Government in these matters should have the right to interpose.

Mr. FITZGERALD. The gentleman can prevent that practice by reporting a bill which will prohibit property acquired for one purpose from being used for any other purpose unless Congress specifically authorizes it. But to place in any one individual officer the power—

Mr. JOHNSON of Kentucky. This bill does not do that.

Mr. FITZGERALD. That is how I caught the reading of it.

Mr. JOHNSON of Kentucky. The gentleman from New York caught it wrong.

Mr. FITZGERALD. Then there is all the more reason why it should not be passed at this particular time under these circumstances.

Mr. BATHRICK. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BATHRICK. In the event this property in which the United States has an equal or certain proportion with the District of Columbia ceases to be used for the purpose originally intended, is it the purpose of the gentleman's bill to sell the property at auction?

Mr. JOHNSON of Kentucky. Yes; and divide the money between the two interests purchasing.

Mr. BATHRICK. In the proportion in which they were originally interested.

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. Mr. Speaker, I will ask the gentleman from Kentucky to yield long enough for me to ask unanimous consent to have laid before the House a bill which just came over from the Senate, in order that it may be considered.

Mr. JOHNSON of Kentucky. Would that interfere with the further consideration of this matter at this time?

Mr. MANN. Oh, no.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7500. An act to amend an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes," approved July 22, 1912.

OKANOGAN, WASH.

Mr. MANN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider the bill (S. 7500) to amend an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes," approved July 22, 1912.

The SPEAKER pro tempore (Mr. RAKER). The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation, in the town of Okanogan, State of Washington, for public-park purposes," approved July 22, 1912, be, and the same is hereby, amended by striking out in the first section thereof, in the description of the lands authorized to be sold, the word "twenty-three," after the word "township," and inserting in lieu thereof the word "thirty-three."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, before consent is given, I desire to explain to the House what it is. Recently the House passed a bill authorizing the sale of certain lands to the town of Okanogan for public-park purposes. When the bill was introduced the Department of the Interior recommended an amendment, giving the description of the property, and in that description it reads "section 17, township 23 north." It was put in the bill in that way and it is now discovered that it should be township 33 instead of 23.

Mr. GARRETT. This is a Senate bill?

Mr. MANN. Yes; and this is to correct it by making it read township 33 instead of 23.

Mr. BUCHANAN. The description is to make it apply to the property in question?

Mr. MANN. To the property in question.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

CERTAIN REAL ESTATE IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15626) to provide for the proper deed of conveyance in real estate in the District of Columbia when the United States contributes to its purchase or condemnation.

The question was taken.

Mr. GARDNER of Massachusetts. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 9, noes 3.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count.

Mr. GARDNER of Massachusetts (during the counting). Mr. Speaker, I withdraw the point of no quorum.

Mr. JOHNSON of Kentucky. Mr. Speaker, I renew it. I make the point that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess for 30 minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker, the House is not in session. I make the point of order that the House is not in session. Mr. Speaker, I withdraw the point of order that there is no quorum present.

Mr. LAFFERTY. Mr. Speaker, I ask unanimous consent—

Mr. JOHNSON of Kentucky. I object, Mr. Speaker. Mr. Speaker, I renew my request that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the bill H. R. 15626 be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Speaker, the bill has been reported.

The SPEAKER. Are there any amendments?

Mr. JOHNSON of Kentucky. The amendment also has been read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess for one hour.

Mr. LAFFERTY. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman if he desires to do so can make the point.

Mr. LAFFERTY. I desire merely to speak for five minutes on the subject which has been discussed here.

Mr. UNDERWOOD. Mr. Speaker, I move that at the end of five minutes the House take a recess for one hour.

The SPEAKER. The gentleman from Alabama moves that at the end of five minutes the House take a recess for one hour.

Mr. LAFFERTY. I withdraw my point.

The motion was agreed to.

Mr. RAKER. Mr. Speaker, will the gentleman yield for one request?

Mr. LAFFERTY. I will.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on H. R. 25738, H. R. 19344, and a bill which has just passed the Senate, S. 5068.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

By unanimous consent, Mr. HAWLEY, Mr. SAMUEL W. SMITH, and Mr. BUCHANAN were granted leave to extend their remarks in the Record.

Mr. LAFFERTY. Mr. Speaker, I was very much interested and amused at the argument of the gentleman from Illinois [Mr. CANNON] on the subject of immigration. He recited that there are 350,000,000 people of the Caucasian race in Europe who would be competing with American labor except for the tariff wall between us; that we have in this country approximately 100,000,000 of people; that he is opposed to any reduction of the tariff, or any considerable reduction of the tariff, but desires conditions maintained better in this country than they are in Europe through the protective tariff.

Mr. CANNON. If the gentleman will allow me, I never mentioned the protective tariff. If the gentleman desires to put words in my mouth in regard to my statement, well and good; but I will say to him now, I am in favor of the Republican policy of protection, and high enough to protect.

Mr. LAFFERTY. I understand the gentleman's views, but his argument is the same as to say that if you have two watering troughs by the side of each other, connected by a tube at the bottom, that you can fill one of them full of water and the water will not run into the other. So long as the people from Europe can come to the United States without restriction and conditions are better in this country, they will come, and there is no way by which conditions of labor can be kept to a higher standard here in the future than in European countries without restriction upon European immigration. If you are going to have unrestricted immigration from European countries in this manner, you can not by artificial methods, by a protective tariff or otherwise, maintain better conditions for labor in the United States than anywhere else—

Mr. CANNON. Will the gentleman allow me? I am not in favor of unrestricted immigration, but the name of the gentleman harks back to the same country to which I hark back—that is, Ireland. I do not know how old the gentleman's forbears are in this country, but the Irish seem to be able to get to Congress within a generation, and I am not surprised—

Mr. NORRIS. They go on the police force in the first generation and get into Congress in the second generation.

Mr. LAFFERTY. I have not said I was in favor of any additional restrictions upon immigration, but I have said that I was amused at the gentleman's argument. It is an absolutely impossible and an illogical one—

Mr. CANNON. Thank you.

Mr. LAFFERTY (continuing). To say that you can keep labor conditions in this country better than they are in foreign countries and permit foreigners to come in practically without restriction.

Mr. CANNON. Will the gentleman allow me? A million of them do come. Three hundred and fifty million of them, with cheap transportation, send their products without a protective policy. Is one million greater than three hundred and fifty million?

Mr. LAFFERTY. I am in favor of maintaining better conditions in the United States than any foreign countries if possible to do so, and I favor a reasonable protective tariff upon competitive articles. I also favor more rigid exclusion laws for the same reason.

I now yield one minute to the gentleman from Virginia [Mr. CARLIN] if he is here.

Mr. BEALL of Texas. The gentleman evidently is not here. Yield it to me.

Mr. LAFFERTY. I will.

Mr. BEALL of Texas. Mr. Speaker, some time ago, when the sundry civil bill was up, I presented some statements in reference to the Department of Justice. I would like the privilege of extending my remarks in the Record so as to present a brief summary of the work of the Committee on Expenditures in that department.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. In connection with the gentleman from Texas [Mr. BEALL] I ask also that the gentleman from Illinois [Mr. STERLING], my colleague, have unanimous consent to extend his remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAFFERTY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

LARCENY IN INTERSTATE SHIPMENTS.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to consider in the House as in Committee of the Whole the bill H. R. 16450, reported from the Judiciary Committee unanimously, which is a bill to prevent larceny.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the bill to which he refers. The time has come under the motion of the gentleman from Alabama [Mr. UNDERWOOD] for a recess for one hour.

Mr. CARLIN. I ask unanimous consent that the House postpone that for one minute. This bill will not take longer than that.

Mr. MANN. It will take more than that. You can call it up after we meet again.

The SPEAKER. The gentleman can proceed after the recess.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent that I may call it up after the recess.

The SPEAKER. The Chair will grant it, if the deficiency bill is not here, without any motion about it now.

Mr. MANN. That is, by asking unanimous consent.

The SPEAKER. By asking unanimous consent.

AFTER RECESS.

The recess having expired, the House was called to order at 3.25 p. m. by the Speaker.

By unanimous consent, Mr. McCoy and Mr. Davis of West Virginia were granted leave to extend their remarks in the RECORD.

LARCENY IN INTERSTATE COMMERCE.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to consider in the House as in the Committee of the Whole the bill H. R. 16450.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the bill H. R. 16450. Is there objection?

Mr. MANN. Let us hear the bill reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16450) to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles therefrom in process of transportation in interstate shipment, and the felonious exportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same.

Be it enacted, etc., That whoever shall unlawfully break the seal of any railroad car containing interstate or foreign shipments of freight or express, or shall enter any such car with intent, in either case, to commit larceny therein; or whoever shall steal or unlawfully take, carry away, or conceal, or by fraud or deception obtain from any railroad car, station house, platform, depot, steamboat, barge, or wharf, with intent to convert to his own use any goods or chattels moving as, or which are a part of or which constitute, an interstate or foreign shipment of freight or express, or shall buy, or receive, or have in his possession any such goods or chattels, knowing the same to have been stolen; or whoever shall steal or shall unlawfully take, carry away, or by fraud or deception obtain, with intent to convert to his own use, any baggage which shall have come into the possession of any railroad company or other common carrier for transportation from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or to a foreign country, or from a foreign country to any State or Territory or the District of Columbia, or shall break into, steal, take, carry away, or conceal any of the contents of such baggage, or shall buy, receive, or have in his possession any such baggage or any article therefrom of whatsoever nature, knowing the same to have been stolen, shall in each case be fined not more than \$5,000 or imprisoned not more than 10 years, or both, and prosecutions therefor may be instituted in any district wherein the crime shall have been committed. The carrying or transporting of any such freight, express, baggage, goods, or chattels from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties above described for unlawful taking, and prosecutions therefor may be instituted in any district into which such freight, express, baggage, goods, or chattels shall have been removed or into which they shall have been brought by such offender.

Mr. MANN. Mr. Speaker, I would like to hear the amendments reported.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Page 2, line 3, strike out the word "barge" and insert the word "vessel" in lieu thereof.
Amend, page 2, lines 11 and 12, by striking out the words "railroad company or other."

On page 3, insert, after line 8, the following new section:
"SEC. 2. That nothing in this act shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts."

The SPEAKER. Is there objection?

Mr. LAFFERTY. Mr. Speaker, reserving the right to object, I would like to ask the proponent of the bill a question.

Mr. CARLIN. With pleasure, sir.

Mr. LAFFERTY. This bill fixes the punishment, as I understand from the reading, at not more than 10 years in the penitentiary or not more than \$5,000 fine. Does the bill fix the full amount of stolen goods?

Mr. CARLIN. No.

Mr. LAFFERTY. There is no minimum fixed?

Mr. CARLIN. No minimum. Therefore it leaves the minimum to be as small as possible for the penalty. The penalty for a small offense could be made a day in jail, or not a day in jail, or a dollar fine. It leaves that discretionary.

Mr. LAFFERTY. What is the necessity for this legislation?

Mr. CARLIN. Well, it grows out of this fact, that if a train be in transit, passing from one State to another, and a larceny be committed, the prosecution can not be successfully had in the State unless you can fix the jurisdictional point. For instance, along the line between Virginia and North Carolina, in the case of a train passing between two States, if a larceny were committed on a moving train it is impossible to have a conviction.

Mr. LAFFERTY. Well, Mr. Speaker, several States have already passed laws, as I understand it—

Mr. CARLIN. The gentleman is mistaken—

Mr. LAFFERTY. Providing that an offense committed on a railroad train may be prosecuted in any county in the State; and to pass a law now which would permit the defendant or

the accused to be taken from one State to another State, or even across an intervening State would possibly work an injustice.
Mr. CARLIN. This law remedies that, and allows the State courts to take jurisdiction.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed with amendments the following resolution, in which the concurrence of the House of Representatives was requested:

House concurrent resolution 65.

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 25th day of August, 1912, at 3 o'clock a. m.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 63.

Resolved by the House of Representatives (the Senate concurring), That 25,000 copies of the majority and minority reports of the committee authorized under House resolution 148, to investigate violations of the antitrust act of 1890 and other acts, be printed for the use of the House, 15,000 to be distributed through the folding room and 10,000 through the document room.

The message also announced that the Senate had passed the following resolution:

S. J. Res. 138. To pay the officers and employees of the Senate and House of Representatives of the United States a sum equal to one-twelfth of their annual salaries in lieu of transportation and other expenses in coming to and returning from Washington for the first and second sessions of the Sixty-second Congress.

Mr. MANN. There was applause on the floor on the other resolution. There ought to be applause in the galleries on this.

HOUR OF FINAL ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I ask that the resolution relating to adjournment may be laid before the House.

The SPEAKER. The Chair lays before the House a concurrent resolution in reference to the final adjournment, with Senate amendments, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 65.

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 25th day of August, 1912, at 3 o'clock a. m.

With the following amendments:

Line 5, strike out "twenty-fifth" and insert "twenty-sixth."
Lines 5 and 6, strike out "3 o'clock a. m." and insert "4.30 o'clock p. m."

Mr. UNDERWOOD. Mr. Speaker, I move that the Senate amendments to the resolution to adjourn be concurred in. I move to agree to the Senate amendments on the resolution to adjourn.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House concur in the Senate amendments to the adjournment resolution. The question is on agreeing to that motion.

The question was taken, and the motion to concur in the Senate amendments was agreed to.

LARCENY IN INTERSTATE COMMERCE.

Mr. CARLIN. Now I will answer the question propounded by the gentleman from Oregon [Mr. LAFFERTY]. I will say for the gentleman's information that this bill does not extend the jurisdiction from one State to another, but limits the jurisdiction within the district in which the offense is committed; that is, the district within the State. It simply extends it to the counties, but not to the States.

Mr. LAFFERTY. That is, the Federal courts?

Mr. CARLIN. Yes; the Federal courts.

Mr. LAFFERTY. But it would not allow the Federal court in Illinois to try an offense committed in Missouri?

Mr. CARLIN. Yes; and it does not allow an offense committed in the western district of a State to be tried in the eastern district of the same State.

Mr. LAFFERTY. I understand.

Mr. CARLIN. Mr. Speaker, I suppose that there is no further objection to the bill, and I ask that it now be passed. I ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent to consider this bill in the House as in Committee of the Whole.

Mr. MANN. It is a House Calendar bill and does not require that.

The SPEAKER. The question is on agreeing to the amendment. The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended to conform to the text.

There was no objection.

On motion of Mr. CARLIN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ONE MONTH'S COMPENSATION—EMPLOYEES OF HOUSE AND SENATE.

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry. I understood that the Senate had sent, together with the resolution to adjourn, an additional resolution, which provides for the payment of an additional month's pay to the employees of the House and the Senate. I ask that that resolution be taken up for consideration.

The SPEAKER. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent for the present consideration of the Senate joint resolution.

Mr. CARLIN. Mr. Speaker, I withdraw that request for the present. I understand there is something under consideration with reference to it, which I did not know of when I made the request.

The SPEAKER. The gentleman withdraws his request.

EXCHANGE OF SCHOOL LANDS.

Mr. RAKER. Mr. Speaker, there is a Senate bill (S. 5068) on the Speaker's table. The House Committee on the Public Lands has made a unanimous report upon a similar bill. I ask unanimous consent to take the bill from the Speaker's table and that it be passed.

The SPEAKER. The Clerk will report the bill referred to by the gentleman from California.

The Clerk read the bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes, as follows:

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make exchange of lands with the several States for those portions of the lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, the said exchange to be made in the manner and form and subject to the limitations and conditions of sections 2275 and 2276 of the Revised Statutes, as amended by act of February 28, 1891 (26 Stats., 796), and any such exchange whether heretofore or hereafter approved shall restore full title in the United States to the base land, without formal conveyance thereof by the State: *Provided*, That upon completion of the exchange the lands relinquished, reconveyed, or assigned as base lands shall immediately become a part of the reservation within which they are situated, and in case the same shall be found within the exterior limits of more than one reservation they shall become a part of that reservation which was first established: *Provided further*, That this act shall not be construed to authorize the approval of selections embracing lands withdrawn as mineral under the act of June 25, 1910, entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases" (36 U. S. Stat. L., pp. 847-848), until such lands have been found to be nonmineral and for that reason restored, but nothing herein contained shall prevent a limited approval, when the lands are within only a coal withdrawal, excluding from the approval coal deposits: *And provided further*, That the provisions of this act shall not apply to the State of Idaho.*

Mr. BATHRICK. Reserving the right to object, what is this bill?

Mr. RAKER. Mr. Speaker, this is a bill permitting the State of California to adjust its rights. The Committee on the Public Lands have unanimously reported a similar bill.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. Is this a Senate bill?

The SPEAKER. Yes.

Mr. COOPER. Has a similar bill passed the House?

The SPEAKER. A similar bill has been reported favorably by the House committee.

Mr. COOPER. Has an identical bill been reported by the House committee?

The SPEAKER. The Chair can not tell.

Mr. RAKER. An identical bill is on the calendar, reported from the House committee with a favorable report.

Mr. COOPER. Is the bill identical?

Mr. RAKER. Identical, with one little amendment as to the discretion of the Secretary, and we saw the Secretary, and that amendment is satisfactory to him.

The SPEAKER. This bill must be considered in Committee of the Whole, anyway.

Mr. FITZGERALD. Mr. Speaker—

Mr. RAKER. I hope the gentleman from New York will not object.

Mr. FITZGERALD. This is a time when legislation ought to be watched.

Mr. WILLIS. Is not this the bill to which the gentleman from Illinois [Mr. MANN] objected the other day?

Mr. RAKER. When the House bill was on the Unanimous Consent Calendar the gentleman from Illinois objected and it went off the calendar. This bill has passed the Senate, and a similar bill has been unanimously reported by the Committee on the Public Lands. The matter has been gone into fully and thoroughly by the Public Lands Committee of the House. The bill is recommended by the Secretary of the Interior, the Commissioner of the General Land Office, the Attorney General of the United States, as well as the State attorney of California and the surveyor general.

Mr. COOPER. Mr. Speaker, I object to the consideration of any land-exchange bill at the tail end of this session.

The SPEAKER. The gentleman from Wisconsin objects.

SUITS IN UNITED STATES DISTRICT COURTS.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23186) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The bill was read, as follows:

Be it enacted, etc., That section 28 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"Sec. 28. That any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States, or treaties made or which shall be made under their authority, of which the district courts of the United States are given original jurisdiction by this title which may now be pending or which may hereafter be brought in any State court may be removed by the defendant or defendants therein to the district court of the United States for the proper district. Any other suit of a civil nature at law or in equity of which the district courts of the United States are given jurisdiction by this title and which are now pending or which may hereafter be brought in any State court may be removed into the district court of the United States for the proper district by the defendant or defendants therein being nonresidents of that State. And when, in any suit mentioned in this section, there shall be a controversy which is wholly between citizens of different States and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the district court of the United States for the proper district. And where a suit is now pending or may hereafter be brought in any State court in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendant being such citizen of another State may remove such suit into the district court of the United States for the proper district, at any time before the trial thereof, when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court or in any other State court to which the said defendant may under the laws of the State have the right on account of such prejudice or local influence to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court without being affected by such prejudice or local influence and that no party to the suit will be prejudiced by a separation of the parties, said district court may direct the suit to be remanded so far as relates to such other defendants to the State court to be proceeded with therein. At any time before the trial of any suit which is now pending in any district court or may hereafter be entered therein and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that from prejudice or local influence he was unable to obtain justice in said State court the district court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof, and unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in said State court it shall cause the same to be remanded thereto. Whenever any cause shall be removed from any State court into any district court of the United States, and the district court shall decide that the cause was improperly removed and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the district court so remanding such cause shall be allowed: *Provided further*, That no case arising under an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, or any amendment thereto, and brought in any State court of competent jurisdiction shall be removed to any court of the United States: *Provided further*, That no suit against a corporation or joint stock company brought in a State court of the State in which the cause of action arose shall be removed to any court of the United States on the ground that the parties are citizens of different States if the suit is brought in the county where the cause of action arose or within the county where the defendant is served with process and the plaintiff resides."

The SPEAKER. Is there objection?

Mr. COOPER. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Tennessee if he expects the House to consider and pass a bill of this complexity at this time in the session, after we have adopted a resolution for final adjournment?

Mr. GARRETT. I do not know what the House will do. I have made the request.

Mr. COOPER. Mr. Speaker, I can inform the gentleman that it will not consider that.

Mr. GARRETT. Will the gentleman permit me to make a statement in respect to it?

Mr. COOPER. Certainly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had receded from its amendments

Nos. 22, 33, 34, and 114 to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

The message also announced that the Senate had passed the following resolution (S. Res. 387):

Resolved, That a committee of two Senators be appointed by the President pro tempore to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

In compliance with the foregoing resolution the President pro tempore appointed as said committee Mr. McCUMBER and Mr. MARTIN of Virginia.

REPORT OF COMMITTEE TO WAIT ON PRESIDENT.

Mr. UNDERWOOD. Mr. Speaker, the committee appointed by the House to join a like committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses had concluded their business and are ready to adjourn report that they have performed the duty, and the President says he has no further communication to make.

EXTENSION OF REMARKS.

By unanimous consent, leave to extend their remarks in the RECORD was granted to Mr. CANDLER and to Mr. WILSON of Illinois.

ENTRIES ON PUBLIC LANDS.

Mr. HAWLEY. Mr. Speaker, on February 28, 1912, I addressed the House on the subject of entries on the public lands. In the course of my remarks I referred to the confidential reports made by special agents of the General Land Office. These reports are of the greatest importance to entrymen and are the subjects of the liveliest interest to all concerned in the settlement of the public lands and to all the public-land States.

Since the delivery of that speech the following order has been issued by the General Land Office, and I print the same with pleasure:

ORDER.

1. Where the record of a hearing on a special agent's adverse report is referred by "P" to another division for adjudication, the confidential file will be detached therefrom and placed in the "P" file.

2. Where a record is referred to another division for any action, and thereafter to be returned to "P," the confidential file will be detached and placed in file "P." "P" will retain docket card and place in "Pending elsewhere" file.

The confidential or secret reports referred to can not be seen by the entrymen or by any person or persons in their behalf. The above order means that hereafter no confidential report of a special agent is to be considered when any entry is being finally passed upon, and that hereafter no statement adverse to any entryman, to which the entryman has not been given opportunity to submit evidence in his own behalf, will be considered by the department in determining the merits of an entry.

Referring again to the subject of my remarks upon "Entries on the Public Lands," I am more confident than ever that entrymen should have the right of appeal to the courts from the decisions of the Department of the Interior upon their entries. I have a bill pending for this purpose, and investigation gives me reason to believe that this legislation will be enacted into law, and I earnestly hope that this will be done at a very early date. It is legislation greatly needed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed the following joint resolution, in which the concurrence of the House of Representatives was requested:

S. J. Res. 130. Joint resolution to pay the officers and employees of the Senate of the United States a sum equal to one-twelfth of their salaries in lieu of all transportation and other expenses in coming to and returning from Washington for the first and second sessions of the Sixty-second Congress.

SUITS IN UNITED STATES DISTRICT COURTS.

Mr. GARRETT. Mr. Speaker, if I may have the attention of the gentleman from Wisconsin [Mr. COOPER], I will state that this is the exact legislation which passed this House during the last Congress as an amendment to the revision on the judiciary title. This legislation prevents the removal of causes brought in State courts against corporations chartered under the laws of other States to the Federal court upon the ground of diversity of citizenship of the corporation only. It is legislation with which I know, if the gentleman will refresh his memory, he is thoroughly familiar, because I know he and I have discussed it before. It is the exact legislation which passed this House at the last Congress as an amendment to the judiciary title, and is in the exact language in which it was finally agreed upon by the conferees.

Mr. COOPER. Mr. Speaker, I have entire confidence, as has the whole membership of the House, in the word of my friend

from Tennessee, and yet I can not consent to the consideration of so important a measure at this time.

Mr. GARRETT. Mr. Speaker, will the gentleman permit me to say this: It is reported unanimously by the Committee on the Judiciary. The gentleman from Illinois [Mr. MANN] will remember the legislation. The conferees on the revision bill fought over it here for two months and finally agreed upon it.

Mr. COOPER. Does the gentleman think that a proposition which necessitated a discussion between conferees extending over a period of two or three months should be taken up by this House with the very small membership that is here and passed in 5 or 10 minutes?

Mr. GARRETT. Oh, Mr. Speaker, it was not the gist of the legislation that the conferees discussed, but the form in which it should be put. This House almost unanimously passed the legislation.

The language which I am using is the language which the conferees agreed upon. This is the effect of it: It will simply prevent the removal of causes from State courts to Federal courts that are brought by corporations on the ground of diversity of citizenship.

Mr. COOPER. It is a subject of very great importance, and the bill itself is one that I do not remember ever to have read.

The SPEAKER. Is there objection?

Mr. COOPER. I object.

EXTRA MONTH'S PAY.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 138, providing for an extra month's pay for the House and Senate employees.

The SPEAKER. If there objection?

Mr. FITZGERALD. Mr. Speaker, quite a number of Members of the House, on Saturday night, when the differences between the two Houses on the deficiency bill were before the House, inquired of me whether the amendment in the deficiency bill respecting the extra month's pay would be agreed to, and upon assurances that it would not be agreed to or that legislation of that character would not go through at this session of Congress, they left the city. Under the circumstances I shall have to object.

Mr. CANNON. Mr. Speaker, I do not desire in a Democratic House to say anything to embarrass anyone, but suspension of the rules is in order, and I want to say, without embarrassment to anyone, that after two sessions of Congress—almost a year, or over, if you count it that way—it does seem that simple justice would warrant this, without regard to what caucus action may have been taken under different conditions.

Mr. FITZGERALD. Mr. Speaker, the gentleman, of course, is very ingenious; but this resolution can not be passed under suspension of the rules at this time in the session. The employees of this House were appointed and accepted their positions with the knowledge that the compensation fixed by law was the compensation that would be paid them, and that there would be no extra compensation paid.

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARLIN. Would it be in order to move to suspend the rules and put the resolution upon its passage?

Mr. MANN. Not unless the gentleman is recognized for that purpose.

Mr. CARLIN. I am asking that question of the Speaker for information.

The SPEAKER. It would not do a particle of good to ask to suspend the rules, and it would not do any good for the Chair to recognize the gentleman, because here is the rule about suspensions:

No rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present.

Of course the Chair will take official notice of the fact—

Mr. MANN. I hope the Chair will not make the announcement that there is no quorum present.

Mr. CARLIN. Mr. Speaker, I do not want to embarrass the situation, but I am very anxious to have the resolution considered, and would like to ask leave to suspend the rules and put it on its passage.

Mr. MANN. The gentleman recognizes that suspension is wholly within the control of the Chair. No man can move to suspend the rules unless and until he is recognized by the Chair for that purpose.

Mr. CARLIN. I understand that. I am now asking to be recognized for the purpose of making the motion to suspend the rules and put the resolution upon its passage.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess for 20 minutes.

Mr. CANNON. Will the gentleman withhold the motion for a moment?

Mr. CARLIN. Mr. Speaker, I was recognized, was I not?

Mr. BUCHANAN. But here is an amendment providing for 5 cents a mile each way—

The SPEAKER. That is not up for consideration at this particular time.

Mr. CARLIN. Mr. Speaker, I asked for recognition, and I had the floor ahead of everybody else.

Mr. MANN. And I was on my feet before the gentleman from Virginia.

Mr. CARLIN. I had never left the floor.

The SPEAKER. The gentleman from Illinois was up for some purpose, the Chair does not know what. [Laughter.]

STATEMENTS OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to give the House some information from the Committee on Appropriations concerning the appropriations made by Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, it is an evil day when the people are indifferent to the cost of their government. Such indifference begets prodigality, and the inevitable repentance results in burdens and inconveniences that are irksome to the country.

Thoughtful men have watched with alarm the rapid increase in the cost of government in the United States. This increase is not confined to the Federal Government, but it is apparent in the financial statements of every State and municipality.

The country has been passing through a wonderful period of prosperity. Manufactures have increased astonishingly, our fields have been yielding crops of extraordinary proportions, domestic trade has expanded to unanticipated dimensions, while the products of our farms and factories are displayed in every foreign mart and are utilized in the most remote and inaccessible places of our globe.

As recently pointed out by O. P. Austin, Chief of the Bureau of Statistics of the Department of Commerce and Labor, since 1870 our foreign commerce has grown from less than \$1,000,000,000 to about \$4,000,000,000; our internal commerce from \$7,000,000,000 to \$33,000,000,000. The production of corn has increased from 1,000,000,000 to nearly 3,000,000,000 bushels; of wheat from 235,000,000 to 650,000,000 bushels; of cotton from 3,000,000 bales to 12,000,000 bales; the value of animals on farms from \$1,250,000,000 to over \$5,000,000,000; the value of farm products from \$2,000,000,000 to \$8,500,000,000; the gross value of manufactures produced from \$4,250,000,000 to \$20,000,000,000.

Our people have enjoyed opportunities for the acquisition of knowledge through improved school systems and increased facilities for travel and intercourse with other peoples never before offered in the world's history. They have had unparalleled prosperity and have been furnished with conveniences of modern life which have greatly improved the standard of living and encouraged an indifference to certain governmental matters, which can not always be ignored and must eventually be considered and remedied.

An awakening has been experienced during recent years. The unprecedented increase in the cost of living grossly disproportionate to the increased return for labor, the real measure of values, has resulted in an intelligent inquiry into conditions so unsatisfactory to most of our citizens.

Two causes above all others seem to be conceded as responsible for many of our present evils:

One, the unfair and unjust system of taxation by which an undue share of the income of those whose circumstances in life are not considered more than reasonably comfortable is taken through our customs laws for the support of our Government; the other, the difficulty or inability to readjust our system of taxation, and to remove many taxes from the necessities of life, so long as the Government is extravagantly conducted, or the instrumentalities provided for the conduct of the public service are either inefficient or are not utilized so as to render the most effective and comprehensive results.

The Democratic Party pledged itself, if intrusted with power, to do two things—to reduce tariff duties and to retrench public expenditures by the elimination of waste in administration and the abolition of useless, unnecessary, and inexcusable offices which hinder rather than advance efficiency in administration.

On August 22, 1911, just a year ago, I said on this floor:

This House is pledged to reform the administration of public affairs and to retrench public expenditures. No legitimate activity of the Government is to be curtailed, but not a dollar will be appropriated which a careful investigation does not demonstrate should be expended in a wise, efficient, and effective administration of public affairs.

In discharging their duties the Committee on Appropriations have proceeded on the principle thus enunciated. To use the very words of Mr. Garfield, uttered in this House on March 5, 1874:

They have attempted to ascertain what are the real and vital necessities of the Government; to find what amount of money will suffice to

meet all its honorable obligations, to carry on all its necessary and essential functions, to keep alive those public enterprises which the country desires its Government to undertake and accomplish.

It has been generally recognized that imperative reforms in the administration of the Federal Government must be effected. For several years efforts have been made to accomplish many admittedly needed improvements in the public service, which have merely emphasized the necessity for a thorough overhauling of the various services of the Government. The report of the Secretary of the Treasury for the fiscal year 1911 discloses that in the estimates for the fiscal year 1912 a net total of 267 statutory positions in the offices of the Treasury in Washington had been eliminated and that for the present fiscal year—1913—it was proposed to drop 134 positions. That 141 positions had been eliminated in 1910, a total of 542 statutory places abolished since March 4, 1909, and the accompanying saving was accomplished without the separation of anyone from the public service. Deaths and resignations and a system of transfers have made possible the placing of those whose positions were abolished in other places in which vacancies occurred through normal causes.

In the field service during the same period 1,259 positions have been abolished, making a total reduction in the Treasury Department of 1,801.

Striking as these figures seem, demonstrating the contention that the public service has been shamefully overloaded with unnecessary employees, it was confirmed and emphasized by Maj. Gen. Wood, Chief of Staff of the Army. He assured this committee that his statement before the Committee on Expenditures in the War Department that the employees in the War Department in Washington were 25 per cent in excess of the number actually required was unquestionably correct. In his opinion the clerical force should be reduced 10 per cent a year until it reached a normal basis.

Conditions as imperatively requiring the attention of Congress undoubtedly exist in practically every executive department of the Government. From none of them, however, has any information, other than as mentioned herein, been furnished as a basis for action.

With the knowledge of the situation the work of improving the public service by improved methods, increased efficiency, and the elimination of unnecessary and useless employees and processes was begun.

This committee appreciated the force of the statement of President Taft in his message of January 17, 1912, that "Real economy is the result of efficient organization. By perfecting the organization the same benefits may be obtained at less expense. A reduction in the total of annual appropriations is not in itself a proof of economy, since it is often accompanied by a decrease in efficiency. The needs of the Nation may demand a large increase of expenditure, yet to keep the total appropriations within the expected revenue is necessary to the maintenance of public credit."

It was in this spirit that the important work of this committee was undertaken. Although the Executive and the Senate are politically hostile to the House, far-reaching reforms in public service have been initiated, while the House has reasserted more vigorously its constitutional prerogatives over the people's purse, and a successful move has been inaugurated to systematize and properly readjust the public service by which it will be immeasurably improved and hereafter conducted at much less expense.

REDUCTIONS MADE.

The estimates of appropriations for support of the Government submitted by the Executive to this session of Congress amount in all to \$1,040,648,026.55.

The appropriations made at this session of Congress amount to \$1,019,636,143.66.

The latter sum is a reduction of \$21,011,882.89 under the estimates and \$7,046,738.06 under the appropriations made at the last session of the last Congress, which body was controlled in both branches by the Republican Party.

Excluding the increase of \$12,500,000 made under the new law for pensions, the appropriations at this session show a reduction of \$19,546,738.06 under the appropriations of the last session of the last Congress and \$33,511,882.89 under the estimates approved and submitted by the Executive.

A further analysis of the history of appropriations at this session shows that the committees of the House charged with the preparation of the regular annual supply bills for the fiscal year 1913 reduced them \$40,868,434.54 under the estimates recommended to Congress.

The House in passing the bills reduced them \$40,135,284.54 under the regular annual estimates and \$49,161,361.66 under the appropriations of the previous session.

The Senate committees increased the bills as passed by the House to the extent of \$66,223,129.81, or \$26,087,845.27 in excess of the total estimates.

The Senate itself in passing the bills further increased them until their aggregate as passed by the House was exceeded by \$70,521,715.88 and the estimates by \$30,386,431.34.

The increases made by the Senate committees and by the Senate in acting on the bills after they left the House, it is proper to state, included \$12,500,000 for payment of pensions under legislation enacted after the House had passed the pension appropriation bill.

The final outcome in the conferences that reconciled the differences between the two Houses, or the increases by the Senate in the 13 regular annual appropriation bills, shows that, exclusive of the increase for pensions, the Senate yielded \$30,424,545.38 of the sums they proposed to add, and the House accepted only \$27,597,170.50.

The general deficiency act carries a total of only \$7,243,474.69, a sum, with one exception, considerably smaller than any similar act passed since 1886. The general deficiency and urgent deficiency acts appropriate a total of \$9,701,231.15, a reduction of \$9,498,768.85 under the estimates submitted and recommended by the Executive. Deficiency acts have provided in the past not only for deficiencies arising legitimately under the law, but have been made to carry large sums supplemental to the regular appropriations and rendered necessary through reckless and extravagant administration. The elimination of all such appropriations in the bill this session accounts in very large measure for the considerable reduction of \$9,498,768.85 in the deficiency estimates submitted and approved by the Executive.

The appropriations made during the session in miscellaneous acts, and additional to the sums carried in the regular annual appropriation acts, deficiency acts, and under permanent annual appropriations, amount approximately to \$3,250,000, which sum includes \$1,239,179.65 for the relief of sufferers from the floods of the Mississippi River, \$650,000 for emergency work in protecting the levees of that river, and \$300,000 for lifeboats and life-saving equipment for the transport service of the Army. The whole amount carried in these miscellaneous acts is \$1,573,306.81 less than was similarly appropriated at the last session and is more than \$20,000,000 less than was thus appropriated at the corresponding or long session of the last Congress.

The largest reduction made in any one of the annual supply bills is that made in the sundry civil bill; it is decreased from \$142,265,044.14 to \$112,039,184.40, or \$30,225,859.74 less than was appropriated by the act for last year.

The fortification act shows a greater proportionate decrease than any of the other service acts. It is reduced \$1,437,742 from a previous total of \$5,473,707, or more than 26 per cent.

The pension act is increased more than any other, namely, from \$153,682,000 to \$165,146,145.84. This considerable increase grows out of the act passed at this session materially increasing the rates of pension to those who served in the Civil War and in the War with Mexico.

USELESS PENSION AGENCIES ABOLISHED.

In connection with the pension act a notable accomplishment was wrought in the abolition of the 18 pension agencies for the payment of pensions with salaries of \$4,000 each. During Mr. Cleveland's last administration he sought, by Executive order under the authority still existing, to rid the Treasury of the burden of some of these useless and costly places by consolidating and reducing them from 18 to 9, but his Republican successor in office suspended the order before it could be placed in operation. Since that time many efforts have been made to abolish them outright, but without success, until the persistence of the House at this session was crowned with success. The annual saving that will follow the doing away with these sinecures, the consolidation of their 18 different clerical forces into one effective organization under the direction of the Pension Bureau in Washington, the elimination of rents and other needless expenses will speedily result in a saving of at least \$250,000 a year.

PENSION PAYMENTS EXPEDITED.

In addition an entirely new and modern system for the payment of pensions has been provided which will result in considerable saving to the pensioners and make more convenient the payment of the pension moneys.

Heretofore under the agency and voucher system within 15 days after the date the pension is due the pension agent prepared a voucher for every pensioner paid from the respective agencies. These vouchers were mailed to the pensioners. They had to be executed before notaries public and returned to the pension agent. Upon their receipt within a designated time the pension agent sent his check to the pensioner for the amount

due. Much of the work done in the various agencies scattered throughout the country was necessarily duplicated in Washington.

PENSIONERS SAVED EXPENSE.

In connection with the abolition of the 18 agencies legislation was enacted to pay all pensions from Washington by means of the check voucher system. Hereafter on the date the pension is due the check for the amount of the pension, with a voucher attached, will be mailed to the pensioner. All that need be done to cash the check will be for the pensioner to indorse the check, which is also the receipt, and by having two of his neighbors sign as witnesses the check passes as any bankable paper. The necessity to have the services of a notary public is eliminated. When it is recalled that there are 892,078 persons drawing pensions, a very large number of whom are required to pay at least \$1 a year for notary fees, besides the inconvenience that results from seeking notaries when needed, the advantage in money and comfort to the pensioner, in addition to the efficiency and economy in the administration of the Pension Service, can readily be calculated.

The post-office and river and harbor acts are also increased—the first from \$259,134,463 to \$271,429,599, or \$12,295,136, and the river and harbor act from \$23,855,342 to \$31,059,370.50, or \$7,204,028.50.

The naval act is decreased from \$126,478,338.24 to \$123,220,707.48, a reduction of \$3,257,630.76, while the Army act shows a still greater reduction of \$4,241,352.81, being cut from \$93,374,755.97 to \$89,133,403.16. This latter saving is not for one year only, but under the wise and radical administrative provisions in the act, initiated in the House and pressed to final enactment by the Committee on Military Affairs, the saving will be annual and will undoubtedly prove even larger during each of the next few years. The intervention of a presidential veto defeated other and equally meritorious legislation on this bill.

The act providing for the government of the District of Columbia shows a material reduction from \$12,056,786.50 to \$10,675,833.50, or \$1,380,953, a sum that will go far toward reimbursing the Treasury of the United States the balance due for large sums advanced to make up deficiencies in the District of Columbia revenues, occasioned by lavish and extravagant appropriations of the past few years.

The amount submitted by the Treasury as required under permanent appropriations and carried in the comparative statement of appropriations by this Congress is \$133,058,924.12, as against \$129,575,924.12 for 1912, an increase of \$3,483,000, for which of course the present Congress is in no way accountable. The chief items of increase indicated under permanent appropriations and which almost wholly account for the entire increase are the sums of \$1,175,000 for interest on the public debt increased by the issue of Panama Canal bonds and \$2,000,000, the second annual sum required under the Appalachian Park law for which a sum is now for the first time stated under permanent appropriations.

The legislative, executive, and judicial act, carrying \$34,229,613.38 and providing for the great salary roll of the departmental service at Washington, is reduced from \$35,378,149.85, or a saving of \$1,148,536.47, and several hundred places are permanently dropped from the Government's pay rolls. This act as it passed the House and was subsequently vetoed because it abolished a useless and discredited court, made a reduction of \$2,374,355.79 under the total of like appropriations of the previous year, and also dropped 406 needless employees.

USELESS PUBLIC EMPLOYMENTS.

With an efficient, well-organized working force in the departments at Washington, the whole number of salaried places now provided for could and should be reduced many hundred more. This is very evident, as I have heretofore pointed out in references to the Treasury and War Departments. A provision in this act requires a further reduction in the Treasury Department of 164 statutory offices during this fiscal year in addition to other reductions, which will be discussed later.

ECONOMY IN THE HOUSE OF REPRESENTATIVES.

Substantially no new places are provided for by this act in any department; on the other hand, in addition to the reduction in the Treasury, 75 places are abolished, with salaries amounting to nearly \$100,000, in the service of the House of Representatives under its present Democratic organization, and in the War Department it is provided that no vacancies shall be filled until the whole force shall have been reduced by 5 per cent.

NEW BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Another reform feature effected in this act that will conduce to economy and to greatly increased efficiency by preventing duplication of work in a service vitally affecting the industrial and commercial interests of the country is the consolidation in

the Department of Commerce and Labor of the old Bureau of Manufactures and the Bureau of Statistics under a new and well-equipped bureau, with largely increased and well-defined powers and functions, to be known as the Bureau of Foreign and Domestic Commerce.

This bureau is destined to be one of the most important in the entire Government. Its creation will eventually be recognized as most gratifying constructive legislation. Many good meaning but thoughtless men have been enamored of a tariff board. They have been clamoring that the "tariff be taken out of politics"—as if such a thing were possible. What every sincere man desired was the establishment of some service through which might be obtained accurate information in systematized form relative to the infinite variety of matters affected by tariff legislation, without having such information filter through some intervening body to be colored, or modified, or affected by such a course. In the bureau now established there will be developed a force of statistical experts, apart from the political atmosphere, who will compile the facts upon which legislation may be intelligently based in accordance with the economic theory of the party in control of the Government.

CENTRAL DISTRIBUTION OF PUBLIC DOCUMENTS.

Still another measure of economy and increased efficiency provided for is one embraced in section 8, requiring that all of the work incident to the distribution of Government publications shall be made direct from the Government Printing Office. This change has been in contemplation and under discussion for quite a generation, having been suggested for the first time in 1882. The advisability has long been conceded, but for various reasons the reform was not effected. It was stoutly resisted at this session by many officials who disliked to surrender any of the control which they now exercise of this work. As finally worked out it is estimated a saving in expenses of not less than \$250,000 a year will result and the change will contribute in no small degree to increased efficiency and expedition in service.

Hereafter under this legislation there will be a central distributing plant in Washington from which departmental documents shall be shipped. Instead of handling documents several or many times, with large forces scattered through the various departments for such work, it shall all be done from a single office where the volume of business to be handled will make possible the organization and the development of a highly efficient force, and will justify the introduction of many labor and money saving devices which can not be used under the present methods.

CUSTOMS SERVICE TO BE REORGANIZED.

The sundry civil appropriation act, in addition to the large specific reduction of more than \$30,000,000, which it shows under the last law, provides for the most comprehensive and important administrative reform proposed since the Civil War. It will result in an annual saving by a reduction of expenditures of at least \$700,000 per annum, and will insure an increased return from the more efficient administration of the customs service estimated at as high as \$20,000,000 yearly.

The present organization of the customs service is archaic. It dates practically from the beginning of the Government. The service has never been reorganized. As the country developed and expanded new ports and supports of entry have been established. Once established, no matter what the changed conditions, a port is never abolished. The expenses of maintenance is continued regardless of the necessity of the office. A former Assistant Secretary of the Treasury, noted for his capacity for organization, expressed the belief that with a proper organization probably 25 per cent of the present cost of the service could be saved. To illustrate the situation, in 1909 it cost twenty-two one-hundredths of a cent to collect a dollar of revenue at the port of New York, where 66 per cent of the customs are paid; at Annapolis, Md., it cost \$309.41; in Alexandria, Va., it cost \$122.49; in Natchez, Miss., it cost \$52.76. In 38 ports it cost more than a dollar to collect a dollar.

At present Congress has practically no control over the expenditures for the collection of customs. Under the act of 1871, section 3687 of the Revised Statutes, \$2,750,000 is appropriated every six months to defray the expense of collecting the customs. This sum is so inadequate, however, that Congress has been appropriating \$5,000,000 additional for several years. For the last fiscal year it cost \$10,850,000.

For many years Congress has been urged to repeal the permanent appropriation of \$5,500,000 annually, to make specific annual appropriations, as it does for almost every other service of the Government, and to reorganize the service by rearranging the districts, readjusting compensations, abolishing useless offices, and adopting modern and up-to-date methods in order that the very best results might be obtained with the least expenditure of money.

In the sundry civil act this has been done. Plenary power has been given to the President to reorganize the service so as to place it upon the most efficient basis possible. After careful investigation it was determined that such results could be accomplished with an expenditure of \$700,000 less than for last year, and a limitation has been placed upon the authority granted, requiring that the reorganized service shall not require an expenditure of more than \$10,150,000 annually.

This saving is not deducted from the appropriations made at this session for the current fiscal year. It will be gained in the next bill, while the Treasury will be further enriched by the increased efficiency in the administration of the customs law. As a part of this reform, the law making the permanent appropriations has been repealed and the submission of detailed estimates for the consideration hereafter by Congress required.

This same power over the internal-revenue districts and service was given to the President in section 3141 of the Revised Statutes. As a result the number of districts was cut in two. The internal revenues are collected, with better-paid officials in charge, for 2.02 per cent of the collections, while the customs duties, with poorer-paid officials in charge, costs 3.03 per cent of the collections, or 50 per cent more than the other service.

Other and equally meritorious, if less conspicuous, measures of reformatory legislation are carried in the general appropriation acts passed this session, namely:

In the legislative act, after surviving two presidential vetoes, the following:

CONGRESS TO CONTROL ESTIMATES FOR EXPENDITURES.

A final section prohibiting the preparation and submission of the annual estimates of appropriations except in the form, and at the time, prescribed by law. This provision was enacted on the well-grounded assumption that Congress knew best the character and extent of the information it desired in responding to the demands of the Executive for appropriations, and because it had enacted a score of well-considered statutes on the subject. It was believed, also, that it would not be wise for Congress to abdicate, even by implication, its prerogative in this matter. A message from the President had already laid before Congress a very full and luminous exposition of the proposed "national budget," and until it could be determined by careful and deliberate study of the scheme whether it should be accepted and adopted, it was not deemed wise or provident to have, as indicated in the public press, the time and energies of large numbers of the most capable persons in the several branches of the public service diverted to transforming the entire estimates for the next fiscal year into this new and unauthorized plan of a so-called national budget, to the neglect of their ordinary and pressing duties. Another consideration of no small moment was the fact that to print the estimates in the proposed new form would cost many thousands of dollars. The printing of the President's message submitting a mere sample of the new proposition alone cost nearly \$4,000.

It was apparent, moreover, that those in the confidence of the President were not either familiar nor in sympathy with the congressional requirements and viewpoint. This is clear from the statement of the President in his message of June 27, 1912, that "the present law governing the preparation and submission of estimates, requiring them to be submitted each year in the same form as the year before, was passed without due consideration as to what information should be laid before Congress as a basis for action, the result being that the unsystematic and confused method before in use was made continuous."

On the contrary the act to which the President refers (June 22, 1906, Stat. L., vol. 34, p. 448) was passed after the most careful consideration. I have personal knowledge of the conditions which made its enactment imperative and I participated in its preparation. The reason for its enactment was to stop a vicious practice which had grown up in the departments of switching estimates in such a manner as to get consideration by committees deemed friendly to the project or service. If permitted to continue it would have placed the work of Congress in chaos and have resulted in a riot of extravagant appropriations that would have staggered an already overburdened Treasury.

DUPLICATION OF WORK PROHIBITED.

Another provision is one regulating the administrative audit of all accounts, under the so-called Dockery law of 1894, so as to break up the rapidly increasing duplication of work in the many disbursing offices. Under a system grown up in those offices, and naturally fostered by the ambitious chiefs thereof, it was disclosed that in one department the disbursing clerk had obtained an organization of upward of 100 clerks and employees with salaries of more than \$100,000 a year, while in another department, expending no less a sum of public money each year, the total force employed did not exceed 10 and their total an-

nual pay was less than \$20,000, and this very office ranks as probably the most efficient of its class in Washington.

In another provision in the body of the act the number of internal-revenue collectors, having maximum salaries of \$4,500 each, is reduced from 67 to 63, after October 1, 1912. The reduction was made because it was demonstrated that there were more than were necessary. The President could have abolished these offices, as he could have abolished the 18 pension agencies. He did not do so. Many messages were received by him upon the question of economy. Action was needed, not talk. "Where, where was Roderick then? One blast upon his bugle horn were worth a thousand men." One order of the President abolishing these useless offices would have had a more beneficial effect upon the public service than all the messages written by Presidents from the beginning of the Government.

INEFFICIENT EMPLOYEES TO BE DISMISSED AND OTHER ECONOMIES ENFORCED.

Section 3 of the act prohibits payment of salaries to persons in the public service incapacitated otherwise than temporarily for performing service, and forbids the payment of compensation out of lump appropriations to persons formerly receiving specific salaries in excess of the rate of such specific salaries. The latter provision is designed to break up an evil practice that has gradually been evolved under which the Government is made to compete against itself, by one department holding out to employees of another department the inducement of pay, out of some lump appropriation, in excess of that he may be receiving under some specific provision of law or appropriation.

Section 4 requires the establishment of three efficiency ratings in the classified service of the departments at Washington, failure to attain which in the first grade prevents promotion, in the second grade requires demotion, and in the third grade provides dismissal; and a severe penalty is provided for all who knowingly violate this law. A fair and honest execution of this law will speedily rid the departmental service of all incompetent persons, the presence of whom is now so frequently the subject of complaint.

Section 5 prescribes a penalty for violation of the act of 1882 prohibiting the employment of persons in the departments at Washington unless specific authority be granted for such employment. This law has been constantly violated and almost continuously so of late years. The hazard of imprisonment it is believed will effectively stop the practice and incidentally save no inconsiderable sum of money each year.

Section 6 prohibits the maintenance at public expense of telephones in private residences or private apartments. The need for such a law was urgently invited by the development of the fact that one high official of the Government at Washington indulged in the extravagance, out of the public purse, of two telephones in his private residence.

On the sundry civil act:

A provision repealing the so-called Tarsney Act, authorizing the employment of outside architects in the construction of public buildings. Experience under this law begot the well-founded criticism that construction was delayed, extravagance encouraged, and the American Institute of Architects required of its members that they charge the United States for services 1 per cent more on the total cost of buildings than was required of individuals.

The Government maintains a well-organized architect's office costing upward of \$1,000,000 a year. In the judgment of three of the committees of the House there was no sound reason for the employment of outside talent under the conditions imposed by the architects by which they charged the United States 20 per centum more than they received from other clients. While the service of the best architectural talent at times is required by the Government, it should and, as experience has shown, can be had upon reasonable terms fair to the Government as well as attractive to the architects.

Another provision stops, until otherwise provided by law, any additional appointments of cadets or cadet engineers in the Revenue-Cutter Service. It costs about \$2,700 per annum to maintain and educate each of the 27 cadets now in the school during the three-year period of their education. As there will be no need for additional officers for several years, this source of needless expense is stopped.

Another provision prohibits the filling of vacancies occurring by death or resignation in the membership of the several commissions in charge of national military parks. There are now 12 of these commissioners and they are paid each \$3,600 per annum. As vacancies occur the duties will gradually be devolved upon the War Department. The administration will be efficient, the expense very much less than at present.

Under the Bureau of Engraving and Printing a permanent provision of law is enacted authorizing the extension of the use of power presses in the work of the bureau. It is estimated that this increased use of power presses will result in

an immediate annual saving of \$140,000, and within five years a total saving per annum of not less than \$600,000. The gain made by this provision has not been taken from the current appropriations, but will be apparent in the next act.

Section 4 prohibits future payments for maintenance of Toro Point Light on the Isthmus of Panama. Such payments have amounted to about \$40,000 per annum in the past. The light serves no useful purpose to our maritime interests. The proprietors of the light hold some sort of questionable or obsolete concession from the Republic of Colombia under which they levy tribute on commerce.

Section 5 provides for a division of records for the Panama Canal in order to preserve permanently the engineering records and history of the canal construction. The assembling and arrangement of these records at this time is a matter of the greatest importance and is indispensable to the future efficient operation and economical maintenance of the canal.

Section 6 requires the submission, following all lump-sum estimates for appropriations exceeding \$250,000, of comparative statements disclosing the purposes for which previous like sums were expended and details of how the expenditures are intended to be made under the estimates. This will give not only to the committees charged with preparing appropriation bills but to the membership of the House and the entire public a graphic showing of expenditures made and those in contemplation.

Section 7 provides that no appropriation hereafter made by Congress shall be held to be continuing and expendable beyond the year for which it is made, unless it shall be so declared in explicit terms. By construction of accounting officers many appropriations have in the past been defined as permanent and continuing when they were never so intended by Congress in making them. Permanent appropriations, even those designedly made, are not conducive to economy or efficiency in administration and, what is more important, to a reasonable knowledge on the part of Congress of how the public money is being expended each year.

Section 8 requires certain officers and employees of the United States to administer without additional pay oaths to expense accounts of public officials. This will retrench expenses about \$60,000 per annum.

On the District of Columbia act:

Section 9 prohibits any expenditures for fees or dues of any officer or employee of the United States or of the District of Columbia for membership in any society or association or for expenses of attendance at any meeting of members of any society or association unless express provision is made for such expenditures. Except as to payment of fees or dues the provisions of this section are not to be operative during the current fiscal year. This is to permit the consideration of estimates at the next session so that provision may be made thereunder for specific cases where Congress may determine it proper and necessary to provide for expenses of attendance at meetings of the character in question.

Section 9 makes the provisions of the antideficiency law applicable to expenditures for the government of the District of Columbia. This law, as applied to the expenses of the General Government, has literally resulted in the saving of millions of dollars.

NO NEW AVENUES TO THE TREASURY.

It will be observed that the purpose of each and every one of these "substantive" provisions of law have for their chief objects economy in expenditures and the promotion of efficiency in the public service, and that none are designed to establish new or to enlarge and foster old avenues to the Treasury.

They are all provisions highly beneficial to the public service. Their enactment will save to the Treasury many millions annually, and very greatly improve the administration of the public service. They are all "legislation on appropriation bills," so much condemned by thoughtless, ignorant, or designing persons during this session of Congress.

As a result of their enactment, however, the Democratic House has been able to work many reforms in the public service, despite a hostile Senate and Executive, from whom it received no material aid and very slight encouragement.

A change in the method of printing the legislative, executive, and judicial, sundry civil, and general deficiency appropriation bills was instituted by the Committee on Appropriations at this session by expressing all sums of money in them in figures instead of spelling them out at length as heretofore. The change seems to have met with universal commendation. An estimate by the Public Printer shows that the new method has resulted in a saving of not less than \$5,563.60 and a diminution of 134 pages in all of the four or more editions of the three bills and 67 pages of the volume of the Statutes at Large when it is published.

If this method is applied to the other 11 regular appropriation bills a total saving will result of not less than \$10,000 per

annum and, what is even quite as desirable, the volume of the annual statutes will be reduced by quite 150 pages.

THE LAW OF ESTIMATES EVADED.

Under the act of March 4, 1909, the Secretary of the Treasury is required immediately after the receipt of the regular annual estimates of appropriations for the various branches of the public service to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year; and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues, he is commanded to transmit the estimates to Congress, as previously required by law, and after that to transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union, advise how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

The President has never complied with this law in letter or in spirit. The Secretary of the Treasury, who is an officer of Congress and subject to its will, in a measure that does not apply to the head of any other executive department, has ignored it in a manner that deserves the severest criticism.

In order to make a showing of pretended economy on the part of the administration, an order has gone forth, written or verbal, that no estimate shall be transmitted to Congress, by its own officer, the Secretary of the Treasury, and notwithstanding the law to the contrary, until the same has been authorized by the President. Under this unlawful proceeding Congress has been denied the real estimates prepared by the departments; in some cases items have been wholly suppressed, in others estimates based upon ascertained legal requirements have been wantonly reduced, for the purpose of arbitrarily bringing the total of estimates within a certain amount. As proof of this assertion I quote from Secretary of the Navy Meyer's letter transmitting, after the regular annual estimates had been sent to this Congress, an estimate of \$1,000,000 for the Naval Service:

This item was not included in the original estimates submitted to you for transmission to Congress, as the department was desirous of keeping the total of estimates to as low a figure as possible.

Brig. Gen. Henry G. Sharpe, Commissary General of the Army, in appearing before the subcommittee of the Committee on Appropriations charged with the preparation of the general deficiency bill, made the following statements with reference to the estimates of appropriations for subsistence of the United States Army:

The CHAIRMAN. When you submitted your estimates for the current fiscal year for subsistence, did you give the number of rations on which you figured?

Gen. SHARPE. The number of rations is stated there.

The CHAIRMAN. And you estimated them at 21.87 cents each?

Gen. SHARPE. When we first submitted it, we figured the ration at 23 cents each; but we were directed to reduce the estimate by \$534,000, and the only way to reduce was to reduce the price of the rations.

The CHAIRMAN. Why were you directed to reduce the estimate?

Gen. SHARPE. Those were the instructions of the Secretary of War. We were told to cut it down \$534,000.

The CHAIRMAN. I remember the statement was made that the amount appropriated would be inadequate.

Gen. SHARPE. I made that statement, and it was inadequate. We will not have enough for next year, and I am coming up before you again next year, Mr. Chairman, for the same reason.

Brig. Gen. George R. Smith, Paymaster General of the Army, in appearing before the same subcommittee in support of estimates for a deficiency in the appropriations for the pay of officers and enlisted men of the Army, testified as follows:

The CHAIRMAN. You have a deficiency of \$1,800,000?

Gen. SMITH. Yes, sir.

The CHAIRMAN. Your estimate was \$44,959,442.95?

Gen. SMITH. Yes, sir.

The CHAIRMAN. And the appropriation was \$44,625,042.95. What was your original estimate as transmitted to the Secretary?

Gen. SMITH. The original estimate was cut in the office of the Secretary of War \$1,550,000.

The CHAIRMAN. Do you know why that was?

Gen. SMITH. No, sir.

The CHAIRMAN. What was your estimate based on?

Gen. SMITH. It was based on the strength of the Army.

The CHAIRMAN. And then Congress appropriated about \$334,400 less than the estimate submitted by the Secretary?

Gen. SMITH. Yes, sir.

The CHAIRMAN. And that makes practically the \$1,800,000 that you now need?

Gen. SMITH. Yes, sir.

Mr. BARTLETT. If the estimates from your office had been transmitted to Congress and that amount provided there would have been no deficiency?

Gen. SMITH. No, sir; I think we would have gotten through pretty nicely.

The Secretary of the Treasury, well aware of the established policy of Congress to make each year specific appropriations

for construction of public buildings, submitted at the beginning of this session a lump sum of \$3,000,000 coupled with the suggestion that he be clothed with the discretion to apply that sum, and all unexpended balances of previous specific appropriations for buildings, to such of the hundreds of authorized structures as he might designate. By this unwarranted and unusual method of submitting estimates a further apparent, but fictitious, reduction of \$10,234,201.20 was made in the sum total of the estimates submitted at the beginning of the session, and to that extent he further contributed to the deception of the public as to the real amount of estimated expenditures proposed by the Executive.

Notwithstanding all of this avoidance of the plain intent of the law by the President and the Secretary of the Treasury, the former has, in another and more serious particular, failed to comply with a further important requirement of this enactment, namely, that he should in the event the estimated appropriations exceeded the estimated revenues—

advise the Congress how in his judgment the estimated appropriations could with least injury to the public be reduced so as to bring the appropriations within the estimated revenues or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

The annual estimates submitted to Congress as required by law in December last, even after shamefully juggling them as I have shown, amounted to \$1,006,773,026.55; at the same time the total estimated revenues from all sources amounted to only \$927,938,463, a discrepancy of \$78,834,563.55, which, it was designed by the law, the President should aid the Congress with advice and counsel how to overcome by cutting down, or by laying new taxes, or borrowing money. Instead it remained for this House, controlled by the Democratic Party, by its own unaided efforts to solve in a large measure the problem by cutting the President's estimates \$40,135,284.54 in the annual bills as they were sent to a Republican Senate. Not only did the President fail in his lawful duty to aid this House in the weary task he set before them of reducing his excessive and extravagant estimates, but he added to the perplexity of the situation by thrusting upon them from time to time, with his written approval, supplemental estimates amounting to \$16,675,000 and deficiency estimates for \$19,200,000 more.

The action of the Executive in making arbitrary reductions in estimates of appropriations whose necessary amounts are so patently capable of actual computation before they are submitted to Congress is grossly misleading to the Congress and to the people of the country, and demonstrates most conclusively that it was made, not with a view of effecting economy in expenditures, but with the bold intention of misrepresenting to the Nation the amounts of its money which would be required for the support of the Government. The revelation of these facts will, I am sure, raise a doubt in the minds of the public at large as to the sincerity of the administration in its protestations of retrenchment.

It makes idle all discussion of a so-called "National Budget" when such practices are adopted, and the failure to obey the existing laws relative to the submission of estimates more than all else contributes to the difficulties of those charged with the responsibilities of preparing the supply bills.

GROWTH OF APPROPRIATIONS CHECKED.

It should be observed that the appropriations made at this session are materially less than the appropriations made at either of the last three regular sessions, namely:

Less than those of the last session in providing for the fiscal year 1912 by \$7,046,738.06.

Less than those of the previous session in providing for the fiscal year 1911 by \$8,265,285.52.

Less than those of the session which provided for the fiscal year 1910 by \$8,870,427.28.

To have checked the abnormal and rapid growth of appropriations is in itself no mean achievement for this House, and to have made the indicated reductions with the encouragement that the lavish appropriations Republican Congresses had given to those seeking aid from the Federal Treasury was a task almost impossible of accomplishment.

In addition to the considerable excess of direct appropriations made at the last session of the last Congress over those of this session, contract obligations were also authorized at that time, for further expenditures, in the sum of \$43,454,145 as against \$22,711,400, authorized at this session for similar contract liabilities, thus constituting another comparison favorable to this Congress as against its immediate Republican predecessor to the extent of \$20,742,745, which, added to the reduction we have made in specific appropriations, makes a combined reduction under appropriations and liabilities of the last session of \$27,789,483.06.

These contract authorizations are frequently made to satisfy the desires of those seeking legislation, but who are content to obtain the authority even if the appropriation be deferred. The result, however, is to burden succeeding Congresses with the obligation to appropriate to carry out these authorizations and frequently to cause criticism for results which were inevitable under laws previously enacted.

PLEDGES KEPT.

This review demonstrates that the pledges of the Democratic Party have been kept. Substantial reductions in expenditures have been made, and comprehensive reforms that will bring about substantial reductions hereafter and greatly improve the efficiency of the public service have been effected and many activities of the Government extended, while new services have been initiated, without denying to any service a single dollar required for its legitimate needs.

NAVAL EFFICIENCY MAINTAINED.

An attempt has been made to mislead the public into the belief that the economies effected have been at the expense of the Naval Establishment. Knowledge of the facts makes the attempt ridiculous. During this session more has been done to put the fleet upon an effective fighting basis than in any session of Congress in my service.

Congress provided 1 first-class battleship, 2 fuel ships, 6 torpedo-boat destroyers, 8 submarine torpedo boats, 1 tender to destroyers, 1 submarine tender, 4,000 additional enlisted men, 400 marines, 13 marine officers, 30 paymasters, authority to modernize the guns, projectiles, and other facilities of existing

battleships so as to make them more effective. Provision was made to enlarge the dry dock in Hawaii, to establish a worldwide wireless system, to establish coal depots for the fleet, to organize a Dental Corps and a Medical Corps.

All of these matters are of the utmost importance if the ships and men already provided are to be effective as a fighting force.

During this session I have had the hearty cooperation of all of the members of this committee, for which I am very grateful. The best indication of the effectiveness of their work is the fact that, with the exception of the pension appropriation act, which carries more money than the act of last year because of the legislation granting liberal increases of pensions to Civil and Mexican War veterans, every other appropriation bill over which the Committee on Appropriations has jurisdiction when enacted into law carried, in a marked degree, less money than the preceding act.

What has been done this session is merely an illustration of what may be accomplished if the Democratic Party is given that opportunity which only comes with full control of the Government. What has been accomplished resulted from persistent efforts and unmeasured determination.

We ask an intelligent and impartial judgment upon accomplished results; we believe it justifies the continuance and the enlargement of our power in the Government.

The following table gives in the customary form a complete history of the appropriation bills for this session of Congress, beginning with the estimates submitted by the Executive and following the course of each bill through to its final approval:

History of appropriation bills, second session of the Sixty-second Congress; estimates and appropriations for the fiscal year 1912-13; and appropriations for the fiscal year 1911-12.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates, 1913.	Reported to the House.	Passed the House.	Reported to the Senate.	Passed the Senate.	Law, 1912-13.	Law, 1911-12.
		Amount.	Amount.	Amount.	Amount.	Amount.	Amount.
Agriculture.....	\$17,233,452.00	\$15,836,976.00	\$15,933,366.00	\$17,056,976.00	\$18,111,976.00	\$16,651,496.00	\$16,900,016.00
Army (vetoed).....		(88,854,267.18)	(87,777,257.18)	(95,314,710.98)	(95,343,510.98)	(90,654,562.98)	
Army ¹	96,927,988.98	89,127,257.18	89,127,257.18	95,302,630.98	95,478,380.98	90,483,403.16	93,374,755.97
Diplomatic and consular.....	4,079,697.41	3,427,491.41	3,418,791.41	3,788,347.11	3,790,847.41	3,638,047.41	3,988,516.41
District of Columbia ²	12,954,720.50	10,302,208.00	10,300,858.00	12,008,014.50	11,864,524.50	10,675,833.50	12,056,788.50
Fortification.....	7,218,899.00	4,036,235.00	4,036,235.00	4,186,235.00	4,186,235.00	4,036,235.00	5,473,707.00
Indian.....	8,517,440.00	7,475,255.00	7,516,255.00	12,436,197.99	14,600,294.00	9,854,184.46	8,842,136.37
Legislative (vetoed).....		(33,519,594.00)	(33,782,854.00)	(34,537,894.50)	(34,476,154.50)	(34,187,591.16)	
Legislative (vetoed).....		(33,651,084.00)	(33,651,084.00)	(34,240,591.16)	(34,187,591.16)	(34,187,591.16)	
Legislative, etc. ³	35,684,267.40	34,229,613.38	34,229,613.38	34,229,613.38	34,229,613.38	34,229,613.38	35,378,149.85
Military Academy.....	1,804,928.63	1,033,860.26	1,034,260.26	1,064,608.26	1,064,608.26	1,064,608.26	1,163,424.07
Navy.....	126,186,943.46	118,809,337.76	118,551,437.76	133,009,674.28	133,590,174.48	123,220,707.48	126,478,333.24
Pension.....	152,687,750.00	152,579,000.00	152,579,000.00	165,186,750.00	165,187,750.00	165,146,145.84	153,682,000.00
Post Office ⁴	200,938,463.00	202,206,999.00	203,073,749.00	273,158,820.00	273,642,303.00	271,429,599.00	259,134,463.00
River and harbor.....	* 17,345,450.00	24,062,520.50	24,062,520.50	31,853,530.50	31,853,530.50	* 31,659,370.50	* 23,855,342.00
Sundry civil.....	* 131,896,602.05	109,577,414.40	109,567,974.40	115,021,989.70	116,322,730.20	* 112,039,184.40	* 142,265,044.14
Total.....	\$73,566,602.43	\$32,098,167.89	\$33,431,817.89	\$99,654,447.70	\$93,953,033.77	\$73,628,498.39	\$82,592,679.55
Urgent deficiency 1912 and prior years.....		2,364,756.46	2,364,756.46	2,922,756.46	3,188,627.46	2,457,756.46	
Deficiency 1912 and prior years.....	¹¹ 19,200,000.00	6,182,838.24	6,185,238.24	11,513,871.26	11,700,845.75	7,243,474.69	9,740,971.24
Total.....	\$92,766,602.43	\$41,245,762.59	\$41,981,812.59	\$114,091,075.42	\$118,840,506.98	\$83,329,719.54	\$92,333,650.79
Miscellaneous.....	¹² 14,675,000.00					¹³ 3,200,000.00	4,773,308.81
Total regular annual appropriations.....	907,441,602.43					\$86,429,719.54	\$97,106,957.60
Permanent annual appropriations.....	¹² 133,206,424.12					¹² 133,206,424.12	129,575,924.12
Grand total, regular and permanent annual appropriations.....	1,040,648,026.55					¹² 1,019,636,143.66	¹⁴ 1,026,682,881.72

Amount of estimated revenues for fiscal year 1913.....

Amount of estimated postal revenues for fiscal year 1913.....

\$967,030,032.02

280,933,463.03

Total of estimated revenues for fiscal year 1913.....

927,933,463.00

¹ The Army and the legislative bills for 1913 as originally passed were vetoed by the President June 17 and Aug. 15 and 21, 1912, respectively. In order to preserve their history, the several dates of their consideration are noted, and amounts carried are indicated in parentheses, but the amounts (in parentheses) of the vetoed bills are not included in any of the totals stated herein.

² This amount includes \$1,350,000 appropriated in a joint resolution, approved July 8, 1912, for the Organized Militia, a like sum having been carried by the Army act which was vetoed, and omitted from the Army act finally approved.

³ One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1913 at \$135,785), which are payable from the revenues of the water department.

⁴ Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

⁵ In addition to this amount the sum of \$12,114,988 to meet contracts authorized by law for river and harbor improvement is included in the sundry civil estimates for 1913.

⁶ In addition to this amount the sum of \$9,500,250 to meet contracts authorized by law for river and harbor improvements is included in the sundry civil act for 1913.

⁷ In addition to this amount the sum of \$7,025,077 was appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1912.

⁸ This amount includes \$12,114,988 to carry out contracts authorized by law for river and harbor improvements, and \$47,283,760.20 for construction and fortification of the Isthmian Canal for 1913.

⁹ This amount includes \$9,500,250 to carry out contracts authorized by law for river and harbor improvements, and \$31,786,950 for construction of the Isthmian Canal for 1912.

¹⁰ This amount includes \$7,025,077 to carry out contracts authorized by law for river and harbor improvements, and \$48,500,000 for the construction and fortification of the Isthmian Canal for 1912.

¹¹ This amount is approximated.

¹² This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1913, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year. This amount includes estimated amount of \$60,650,000 to meet sinking-fund obligations for 1913.

¹³ In addition to this amount contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the fortification act, \$371,407; by the naval act, \$20,140,000; by the river and harbor act, \$2,200,000; in all, \$22,711,407.

¹⁴ In addition to this amount contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the naval act, \$33,332,500; and by the river and harbor act, \$13,101,645; in all, \$46,434,145.

Mr. CANNON. Mr. Speaker, appropriation bills have their origination in the House of Representatives. The Republican House at its last session in 1911 originated the appropriations for the public service for the fiscal year beginning July 1, 1911, and ending June 30, 1912. The Democratic House at this session of Congress originated appropriations for the year beginning July 1, 1912, and ending June 30, 1913. It is proper at this time to make a comparison between the appropriations for the two fiscal years.

Many have been the promises of economy, and much has been said on the floor of this House and elsewhere about the accomplishments of the Democratic Party with respect to its ability to reduce the annual running expenses of the Government.

In its Baltimore platform that party denounces what it terms the "profligate waste" of the people's money through "lavish appropriations" of Republican Congresses, and declares for a return to Democratic simplicity and the abolishment of useless offices.

APPROPRIATIONS EXCEED THOSE OF LAST YEAR.

The total amount, including permanent appropriations, granted at the last session of the last Congress when the Republican House had charge of appropriation bills, was \$1,026,682,881.72.

The stated total amount, including permanent appropriations at this session by origination in a Democratic House, is \$1,019,636,143.66.

In consideration of these two great totals it is proper to state that all money expended for the construction of the Panama Canal is reimbursable to the Treasury of the United States through the sale of bonds already authorized for that purpose, and since these sums are not a burden upon the revenues of the country they should, for purposes of comparison, be eliminated from the total amounts appropriated. A Republican House at the last session of Congress provided for this great canal the sum of \$45,560,000, and through the requirements of the law making these appropriations continue available until they are finally expended, there remained in the Treasury at the end of the last year amounts of money exceeding \$5,000,000 for canal construction, which made it possible for the Democratic House to reduce, as they have, the sums for the canal for next year to \$28,980,000.

Therefore, deducting the \$45,560,000 for canal construction from the total appropriations last year of \$1,026,682,881.72, there remains an aggregate of \$981,122,881.72, and deducting the \$28,980,000 for canal construction from the total amounts made at this session there remains an aggregate of \$990,656,143.66, a sum which exceeds the grand total of all appropriations made by the Republican House at the last session of last Congress by \$9,533,261.94.

Mr. FITZGERALD. The gentleman thinks that those things that do not come out of the ordinary receipts of the Government should be eliminated?

Mr. CANNON. I think the Panama Canal should be.

Mr. FITZGERALD. Then, why not the Post Office expenditures? They are paid for out of the postal receipts. That would make a difference of \$11,000,000.

Mr. CANNON. Oh, there is a permanent appropriation appropriating the post-office receipts. It is a part of the permanent appropriations, and has been for a quarter of a century.

Mr. FITZGERALD. Just one other thing: The gentleman, although he eliminates appropriations, incorporates over \$1,000,000 additional of permanent appropriations, as the result of the sale of Panama bonds last year.

Mr. CANNON. Oh, no.

Mr. FITZGERALD. Oh, yes; and \$2,000,000 of permanent appropriations for the Appalachian Park.

Mr. CANNON. Oh, no; the gentleman is mistaken. I eliminate the Panama proposition; and all other appropriations are either appropriations for the ordinary expenses or permanent appropriations authorized by law.

Now, having stated that much, lo and behold, what happened? I will print this statement in full, and I am merely explaining two or three things, hitting a dry place here and hitting a dry place there. Six million dollars is the amount of the deficiency bill to make up the deficiencies where the appropriations fell short—the appropriations that were made by the last Republican Congress. The gentleman from New York [Mr. FITZGERALD] states—and tells us the truth—that that is the smallest deficiency that has been passed since 1886. That is true. That shows how efficiently the work was done by the last session of the last Republican Congress. [Applause on the Republican side.]

Then there is another thing. The gentleman, although he may be chairman of the Committee on Appropriations—and I hope he will be, and he deserves to be, so long as you have the Democratic House [applause] for his intelligence, his industry, and his honesty and fidelity—although he might preside over that committee for years to come, he never would report as small a deficiency bill as he has reported this year. [Applause on the Republican side.] He has reported a deficiency bill this year that cares for all matters of deficiency of the past year.

Why, gentlemen, the regular estimate for pensions, made before the late pension legislation was enacted, was \$153,000,000. That was given; but since that time new pension legislation has been enacted, and, in round numbers, 500,000 claims are now pending and are being rapidly, and will be more rapidly, disposed of, as the weeks come and go. Now, they increased the appropriation on that account from \$153,000,000 to \$165,000,000. There is enough money appropriated to pay pensions until after the election, and more than enough [laughter on the Republican side]; but the gentleman will report a bill carrying at least \$20,000,000 in addition to pay pensions for the present fiscal year.

There are various other matters of deficiency. I expect, if the Lord spares me, to be present at the last session of this Congress, to see the gentleman report a bill or bills before the 4th day of next March appropriating \$30,000,000 for deficiencies that ought to be carried by this bill. How? Why, the country grows. Thank God, it grows. We legislate for increasing appropriations. Thank God, we do so legislate. I never want to see the time when appropriations will drop back. I want to see them increase, to meet the necessities of a growing and an advancing civilization. [Applause on the Republican side.]

Mr. Speaker, my statement is in manuscript, and I resume the reading of the same at the point where I was interrupted by my friend from New York [Mr. FITZGERALD].

DEFICIENCIES IN PENSIONS AND OTHER APPROPRIATIONS WILL RESULT.

In presenting to the House the general deficiency bill, providing deficiencies for the fiscal year 1912, for which fiscal year appropriations had been made by a Republican Congress and approved by a Republican President, the chairman of the Committee on Appropriations stated that it was the smallest deficiency bill that had been presented to the House since 1886. The minority of this House is grateful to the chairman of that committee for the merited compliment that he has paid to the preceding Republican administration of the House. The fact that the general deficiency bill is the smallest in a quarter of a century is an evidence of the thoroughness with which the appropriation bills were prepared and considered by a Republican House and a tribute to the manner in which the public service has been handled and the money expended. One thing, more than any other, that has made possible this remarkable statement on the part of the chairman of the committee is the antideficiency law, initiated in 1906 by the then chairman of the Committee on Appropriations, Hon. James A. Tawney, and passed by a Republican House, and which for the first time in the history of our Government successfully raised a barrier against the expenditure of any money not authorized by law. It is well that he makes this statement at this time, for he is in the only position to make it he will ever be in.

It is fortunate indeed for him that his first general deficiency bill follows acts which judiciously provided for all branches of the public service, for when the appropriations made at this session have been allotted to the governmental departments and establishments they will fall so far short that in presenting to the next session of this Congress the bills providing for deficiencies he will be able to make the further remarkable statement that the deficiency bill is the largest ever brought into the House since 1886. I make this statement advisedly and call the attention of the House to the estimate of \$152,687,750 for the payment of pensions, made prior to the enactment of the recent pension law. The appropriation made for the payment of pensions for this year is \$165,146,145.84. Already under the legislation increasing pensions there have been filed, in round numbers, one-half million claims, which, it is hoped, will be rapidly adjudicated, and I have no doubt that it will increase the appropriation for pensions over and above the amount appropriated for this year by at least requiring a deficiency appropriation for pensions of \$20,000,000.

The policy of the Democratic House has been to decrease the appropriations as largely as possible prior to the election in November next, and for the purpose of claiming Democratic

economy; but the legislation of this Congress, coupled with the growth of the country and the legitimate demands of the public service, will compel the gentleman from New York, chairman of the Appropriations Committee, when Congress meets in December next to report deficiency bills during that session to cover appropriations which should have been made at this session for at least \$30,000,000 for the public service during this fiscal year, and which have been withheld for the purpose of establishing a fallacious claim of Democratic economy.

INSUFFICIENT FUNDS FOR ANTITRUST PROSECUTIONS.

The Democratic Party, in its platform adopted at Baltimore, announced to the country that it favored the vigorous enforcement of the criminal as well as civil law against trusts and trust officials. The CONGRESSIONAL RECORD is full of demands by Members on the Democratic side of the House during this session for the enforcement of the antitrust laws. The truth is that during this administration, and especially during this year, greater progress has been successfully made in the enforcement of the laws upon the statute books against trusts than since the enactment of the antitrust law in 1890. The last report of the Attorney General shows that during the fiscal year 1911 there was collected and paid into the Treasury in fines around \$4,204,115.51, which is \$980,341.62 more than was expended for that year for the Department of Justice and all the special attorneys employed in the various prosecutions. The estimate submitted by the Attorney General for the enforcement of these laws for this fiscal year was \$300,000; the amount appropriated was \$200,000. Professions are one thing; action is another thing.

In the appropriations for the enforcement of the commerce acts the necessary amount was decreased from \$25,000 to \$10,000.

HOWARD UNIVERSITY.

The Howard University, at Washington, is the only university supported in part by the Federal Treasury for the training of the colored race. It has done and is doing splendid work in educating and training practical young men and women who go out after their training for the instruction of those of their race. A new dormitory was shown to be, in my judgment, necessary and various improvements requiring Federal appropriations, and they were not made.

GOVERNMENT HOSPITAL FOR THE INSANE.

St. Elizabeth, the insane hospital, not only for the people of the District of Columbia but for the soldiers and sailors and veterans of the War of the Rebellion who are cared for in that great institution, needs appropriations for extension and for the security of patients there, and they were also withheld.

PUBLIC HEALTH SERVICE.

The Public Health and Marine-Hospital Service estimated \$500,000 for the prevention of epidemics, and in view of our extended coast lines, the bubonic plague, the yellow fever, and other dangerous diseases, this amount should have been granted. The appropriation made was for \$200,000 and every effort to increase the same was successfully combated by a Democratic House.

IMMIGRATION SERVICE.

Almost a million of immigrants come to this country annually, very largely from Europe. Necessary funds, especially for the immigration station at New York, were denied. This service is of vast importance for the security of the people of the United States and for the efficient enforcement of the law, and this, too, although the head tax that is collected from immigrants coming to the United States far exceeded the expenditures necessary for the service.

DEMOCRATIC FAILURE.

Time does not allow the further specifying of the failure of the Democratic House to appropriate properly for the public service, of which there are many scores of other instances that might properly be made, nor does the condition of the United States warrant the withholding of necessary appropriations. Under Republican revenue laws enacted by Republican Congresses the surplus revenues after the payment of all expenditures for the last fiscal year were \$37,224,501.90, and the receipts so far this fiscal year justify me in predicting a surplus of \$50,000,000 for the coming fiscal year. I make this prediction absolutely sure of fulfillment if the present production and prosperity of the country continues until the 1st day of July, 1913.

Mr. Speaker, verily, verily, say I unto you, the Democratic Party whenever given partial or complete power have heretofore

and continue to thunder in the index and do not perform in the text.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 25970. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 7500. An act to amend an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes," approved July 22, 1912.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 25970. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

SENATE JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolutions of the following titles were taken from the Speaker's table and referred to the appropriate committees as indicated below:

S. J. Res. 138. Joint resolution to pay the officers and employees of the Senate and House of Representatives of the United States a sum equal to one-twelfth of their annual salaries in lieu of transportation and other expenses in coming to and returning from Washington for the first and second sessions of the Sixty-second Congress; to the Committee on Appropriations.

S. J. Res. 139. Joint resolution to pay the officers and employees of the Senate of the United States a sum equal to one-twelfth of their salaries, in lieu of all transportation and other expenses in coming to and returning from Washington for the first and second sessions of the Sixty-second Congress; to the Committee on Appropriations.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On August 24, 1912:

H. R. 21279. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

On August 26, 1912:

H. R. 25970. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and prior years, and for other purposes.

FINAL ADJOURNMENT.

The SPEAKER. The hour fixed in the concurrent resolution for final adjournment is about to arrive. The Speaker desires to congratulate the membership of the House on having reached the end of one of the longest and most laborious sessions in the history of Congress. There are a few sessions which have exceeded this in length, counting from the first Monday in December until the close, but I believe that a careful examination of the RECORD would show that Congress has been actually in session more days since the first Monday in December than any other Congress that ever sat. [Applause.]

The Speaker desires to thank all the Members of the House, on both sides of the big aisle, which, when he was sworn in to the office of Speaker, he said separates us politically but not as friends or patriots, for the uniform courtesy with which they have treated the Speaker. If the administration of that great office in the present Speaker's hands has been successful, it is largely due to the assistance he has received from the Members of this House.

I hope that we shall all reach home safely and find our loved ones well; that we shall all have an enjoyable vacation and return on the first Monday of next December refreshed and invigorated for the work that will lie before us. [Applause.]

And now, in accordance with the provisions of the concurrent resolution, I declare the second session of the Sixty-second Congress adjourned without day.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 26450) granting an increase of pension to Milton Trout; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 26451) for the relief of Daniel W. Smith; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 26452) granting a pension to Sarah Whidden; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 26453) granting an increase of pension to Helen Grierson Davis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWMAN: Petition of citizens of the State of Pennsylvania, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GOODWIN of Arkansas: Petition of the Calhoun County (Ark.) Farmers' Educational and Cooperative Union, relative to lands from which natural fertilizers can be mined; to the Committee on the Public Lands.

By Mr. STEPHENS of California: Petition of W. S. Hancock Council, No. 20, Junior Order United American Mechanics, of Los Angeles, Cal., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.